

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
2 ATLANTA DIVISION

4 LUKAS GOODYEAR, Individually)
and on behalf of all others)
5 similarly situated,)
)
6 Plaintiffs,)
)
7 vs.) No. 1:23-cv-05712-TWT
)
8 DELTA AIR LINES, INC.,)
)
9 Defendant.)

Page 3

1	VIDEOTAPED DEPOSITION OF DEBRA RENEE BARNWELL	
2	TAKEN MARCH 26, 2025	
3		
4	EXAMINATION BY	PAGE
5	Mr. Daniel R. Ferri	6
6	EXHIBITS	
7		PAGE
8	BARNWELL DEPOSITION EXHIBIT 1	25
9	DELTA_LG_00000443 - 00000445	
10	Metadata and e-mail chain, top	
	one from Minfang Long to Renee	
10	Barnwell dated 5-13-21	
11	BARNWELL DEPOSITION EXHIBIT 2	33
12	DELTA_LG_00000463	
12	Excel spreadsheet	
13	BARNWELL DEPOSITION EXHIBIT 3	35
14	DELTA_LG_00000654 - 00000657	
14	Metadata and e-mail chain, top	
14	one from Ravi Vanmali to John	
15	Early dated 11-16-17	
16	BARNWELL DEPOSITION EXHIBIT 4	46
17	DELTA_LG_00000709 - 00000713	
17	Metadata and e-mail chain, top	
17	one from Cheryl Gray to Minfang	
18	Long dated 7-6-21	
19	BARNWELL DEPOSITION EXHIBIT 5	51
19	DELTA_LG_00000792 - 00000793	
20	Metadata and e-mail from	
20	Dan Hampton to Cheryl Gray	
21	dated 9-22-21	
22	BARNWELL DEPOSITION EXHIBIT 6	55
22	DELTA_LG_00004728 - 00004729	
23	Metadata and e-mail from Pamela	
23	Joki to Cheryl Gray dated 3-1-22	
24		

Page 4

1	EXHIBITS (Continued)	
2		PAGE
3	BARNWELL DEPOSITION EXHIBIT 7	70
	DELTA_LG_00004859 - 00004862	
4	Metadata and e-mail chain, top	
	one from Todd Miranda to Philip	
5	Higgins dated 1-14-22	
6	BARNWELL DEPOSITION EXHIBIT 8	73
	DELTA_LG_00000312 - 00000343	
7	Metadata and Hours of Work, Overtime	
	Shift Differential	
8		
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Page 5

1 THE VIDEOGRAPHER: Good morning. We are going on
2 the video record at 10:02 a.m. on March 26th, 2025.

3 Here begins the virtual video-recorded
4 deposition of Ms. Renee Barnwell taken on behalf of the
5 plaintiffs in the case matter of Lukas Goodyear, et al.
6 versus Delta Air Lines, Inc., filed in the U.S. District
7 Court, for the Northern District of Georgia, Atlanta
8 Division, bearing Case No. 1:23-cv-05712-TWT.

9 My name is Kevin Duncan, and I am a legal
10 videographer representing Veritext Legal Solutions. The
11 court reporter today is Ms. Nadine Watts.

12 Counsel, will you please identify yourselves
13 and affiliations, starting with the noticing party.

14 MR. FERRI: Good morning, Dan Ferri on behalf of the
15 plaintiff and the proposed class.

16 MR. FORTIN: Yes, good morning, this is Seth Fortin
17 from Seyfarth Shaw on behalf of defendant Delta Air
18 Lines. Also in the room with me is Blaze Knott, inhouse
19 counsel for Delta Air Lines, and the witness Renee
20 Barnwell.

21 THE VIDEOGRAPHER: Thank you, Counsel. Will the
22 court reporter please administer the oath.

23 (Witness sworn).

24 THE VIDEOGRAPHER: Thank you. You may proceed.

Page 6

1 DEBRA RENEE BARNWELL,
2 called as a witness herein, having been first duly
3 sworn, was examined upon oral interrogatories and
4 testified as followed:

5 EXAMINATION

6 by Mr. Ferri:

7 MR. FERRI: Q Good morning, Ms. Barnwell.

8 A Good morning.

9 Q Please state your full name for the record.

10 A Debra Renee Barnwell.

11 Q And what's your address?

12 A [REDACTED] Wake Forest, North
13 Carolina [REDACTED].

14 Q And do you work out of North Carolina?

15 A I do.

16 Q Do you work in an office or do you work from
17 home?

18 A I am a remote employee.

19 Q How long have you lived in North Carolina?

20 A All my life.

21 Q And do you work with a group of other employees
22 at Delta in North Carolina?

23 A No, I work with a group in Atlanta.

24 Q And you work for Delta, correct?

1 A Correct.

2 Q When did you start at Delta?

3 A January 14th, 1985.

4 Q What was your first position at Delta?

5 A I was a clerk typist at Raleigh-Durham Airport.

6 Q And -- Well, how long did you hold that
7 position?

8 A I was in airport customer service for 25 years.

9 Q Okay. So that would take us to -- I guess what
10 year would that take us to?

11 A 2009.

12 Q And then you stayed at Delta after that; is that
13 right?

14 A Correct.

15 Q What was your next role?

16 A I was a contractor in Human Resources.

17 Q What was your -- What were your responsibilities
18 as a contractor in Human Resources?

19 A I worked with the development and testing of
20 various time and attendance systems.

21 Q Can you explain that a little bit?

22 MR. FORTIN: Objection, form.

23 THE WITNESS: My role was to convert from a manual
24 process into using some computer systems.

1 MR. FERRI: Q What computer systems?

2 A The first one was MPS.

3 Q What is MPS?

4 A Manpower System.

5 Q What does that do?

6 A It is a time and attendance system.

7 Q What does a time and attendance system do?

8 A It takes inputted information and calculates
9 time.

10 Q I think I know what you mean. Can you just
11 explain that a little more?

12 A It takes entries either from a time clock or a
13 manual entry and it consolidates information and
14 provides to our Payroll Department.

15 Q Provides hours worked by employees to the
16 Payroll Department; is that right?

17 A That would be correct.

18 Q And what other systems -- You mentioned systems,
19 plural. What other systems besides MPS were you
20 referring to, if any?

21 A I worked with a system called WorkBrain.

22 Q And what's WorkBrain?

23 A WorkBrain, again, was a time and attendance
24 system, an input system, that took the hours and

Page 9

1 provided it to Payroll.

2 Q Is WorkBrain still in use at Delta?

3 A It is not.

4 Q How long -- Or I should ask, was that used at --
5 was that in use at Delta at one point?

6 A Yes, it was.

7 Q And when was that?

8 A I don't know the exact dates.

9 Q Just approximately.

10 A 2012 through 2015.

11 Q Besides MPS and WorkBrain, are there any other
12 systems that you worked with in this role as a
13 contractor?

14 A MyTime.

15 Q Let me take one step back. How long were you in
16 this role as a contractor with HR?

17 A 11 years.

18 Q So from 2009 to 2020; is that right?

19 A Correct.

20 Q Okay.

21 A '21, I'm sorry.

22 Q No problem.

23 A '21.

24 Q Okay. And besides MPS, WorkBrain, and MyTime,

Page 10

1 anything else?

2 A We can go --

3 MR. FORTIN: Object to form.

4 THE WITNESS: We can go way back to EPIS.

5 MR. FERRI: Q Well, maybe we don't need to.

6 What -- How long was that used for? Or what years was
7 that in use? Was it likely before --

8 A It was way before. In the late -- or, excuse
9 me, early '90s.

10 Q Okay. Yeah, we don't need to talk about that I
11 don't think.

12 All right. So besides EBIS -- Maybe spell that
13 for the court reporter.

14 A E-P-I-S.

15 Q Okay. Besides MPS, WorkBrain, and MyTime, EBIS
16 or EPIS, was there anything else?

17 MR. FORTIN: Object.

18 THE WITNESS: Other than working with manuals, the
19 manual flat files, no.

20 MR. FERRI: Q Were MPS, WorkBrain, and MyTime
21 alternatives? You know -- I guess, yeah, let me ask --
22 put it this way. Were they alternatives to each other?

23 A I'm not sure what you mean by alternatives.

24 Q Yeah, that's a bad way of putting it. That's a

Page 11

1 bad question.

2 When was -- Let me ask it this way. When was
3 or how long has MPS been in use at Delta?

4 A I don't know the exact year, but for years.

5 Q Still in use, correct?

6 A Correct.

7 Q All right. And it was in use prior to 2017,
8 correct?

9 A Yes.

10 Q And how about MyTime, is that still in use at
11 Delta?

12 A Yes.

13 Q And when was -- when did Delta begin using
14 MyTime?

15 A 2016 I believe.

16 Q And why does Delta -- Well, let me step back. I
17 asked about MPS. What is MyTime generally?

18 A Again, it is a time system with inputs that put
19 hours together and send to Payroll.

20 Q Why does Delta use both MPS and MyTime?

21 A Because that's just the systems that certain
22 divisions have elected to use.

23 Q Okay. Do they -- do they differ in any
24 significant way?

Page 12

1 MR. FORTIN: Object to form.

2 THE WITNESS: Well, yes, they do differ in process
3 of inputs, but the end results is the same.

4 MR. FERRI: Q Okay. When you say process of
5 inputs, what do you mean?

6 A MPS takes time clocks, as MyTime does as well,
7 but they're just different usage from different
8 divisions.

9 Q Can you just expound on that a little bit more
10 in sort of how they differ and how they process certain
11 exact, you know, inputs?

12 A It's hard to articulate.

13 Q Sure. Take your time.

14 A MPS is a system that takes punches in and it
15 creates -- If there are errors, a timekeeper has to go
16 in and make corrections. They're just different
17 programs in terms of just the different divisions that
18 use.

19 Q Why would some divisions use MyTime and some
20 divisions use MPS?

21 A MyTime is much more accessible, in terms of
22 employee or leaders can get to MyTime, where MPS is not
23 Internet associated and, therefore, the employees can
24 only get to MPS from a Delta computer.

Page 13

1 Q Does the way overtime is paid to employees
2 differ in any way regarding -- whether the division is
3 using MPS or using MyTime?

4 A Neither -- Let me see. No.

5 Q All right. So stepping back out, you were in a
6 contractor role with Human Resources up until 2021,
7 right?

8 A Correct.

9 Q And then you stayed with Delta after that,
10 correct?

11 A I was rehired by Delta, yes.

12 Q Okay. And what was your role at that point?

13 THE WITNESS: Excuse me, we're having computer
14 issues.

15 MR. FERRI: Oh.

16 MR. FORTIN: Sorry, Dan, just a second. There is a
17 pop-up window, but we fixed it.

18 MR. FERRI: Got to watch out for those.

19 THE WITNESS: Yeah.

20 MR. FERRI: Q So, yeah, in 2021 what was your
21 role?

22 A Senior HR coordinator.

23 Q Is that the position you currently hold?

24 A Yes.

Page 14

1 Q And is that within a group, a division, a
2 department at Delta, within Delta?

3 A Within Time & Attendance within the HR.

4 Q So is Time & Attendance, is that a group, a
5 division, a department? How would you characterize
6 that, or how does Delta characterize it?

7 A It is a group within HR.

8 Q And is HR a department, a division, a group?
9 How does Delta characterize that?

10 A HR is the division.

11 Q And what -- what does the Time & Attendance
12 group -- Strike that.

13 Just generally, what are the responsibilities
14 of the Time & Attendance group?

15 A We address employee concerns, we look at
16 schedules, we assist with liability balances for
17 employees in the company.

18 Q That was important. What do you mean by
19 liability balances?

20 A Liability, your vacation, your paid personal
21 time. We help monitor those quotas within the system.

22 Q What system?

23 A MyTime, MPS.

24 Q Okay. And then MyTime and MPS, they feed into

Page 15

1 the payroll system; is that right?

2 A Correct.

3 Q Do you have responsibility for that payroll
4 system or is that a separate group?

5 A Separate group.

6 Q Okay. The Time & Attendance group, does that --
7 do you have responsibilities for all of Delta employees
8 or a subset of Delta employees?

9 A We are corporate time and attendance. So we
10 work with multiple groups in multiple divisions.

11 Q Is there any divisions within Delta or groups
12 within Delta that you don't have any responsibility for?

13 A I have no responsibility for pilots. Don't
14 touch pilots.

15 Q Okay. So pilots are kind of doing their own
16 thing at Delta, right?

17 A Correct.

18 MR. FORTIN: Object to form.

19 MR. FERRI: Q Yeah. So besides pilots, is
20 there -- Well, let me just cut to the chase perhaps.
21 Are you familiar with the term ground non-contract
22 employees?

23 A Yes, sir.

24 Q Does Time & Attendance have responsibility for

Page 16

1 all ground non-contract employees?

2 A Yes.

3 Q Is the Time & Attendance group located in
4 Atlanta primarily?

5 A The office is here in Atlanta, yes.

6 Q How about Payroll, are they primarily located in
7 Atlanta?

8 A I don't know.

9 Q Sure. Do you report to somebody within the
10 Time & Attendance group?

11 A Yes.

12 Q Who is that.

13 A Allison Bryant.

14 Q What's her role?

15 A She's the manager of Time & Attendance, one of
16 several.

17 Q Okay. What's -- what's her particular
18 managerial role compared to her fellow managers?

19 A Our team is divided basically for
20 responsibilities, and she manages one of those towers
21 within the group.

22 Q What tower is that?

23 A Employee movement.

24 Q Say again, I'm sorry.

Page 17

1 A Employee movement.

2 Q What are the -- And is she in Atlanta?

3 A She's based here in Atlanta.

4 Q What are the other towers within the Time &
5 Attendance group?

6 A One tower -- one tower handles reporting and
7 training and one tower handles more day-to-day entry
8 issues.

9 Q When you say entry issues, what do you mean?

10 A If a timekeeper is having a problem with any
11 time system, our team will assist.

12 Q So there's employee movement tower, there's
13 training, entry issues, and I think you said -- The
14 fourth one I missed.

15 A No, it's reporting and training.

16 Q Okay. Is there a fourth tower or more?

17 A No, sir.

18 Q What's employee movement do?

19 A We are more involved with issues with liability
20 and balances. We handle final payouts of employees that
21 retire or terminate. We do a lot of testing of the
22 system. If there's upgrades or changes, we do the
23 testing.

24 Q What does reporting and training do?

Page 18

1 A Prepares reports and trains.

2 Q Sure. I guess who does it train?

3 A It trains timekeepers and it trains leaders.

4 Q What's a timekeeper?

5 A A designated person that is responsible for that
6 location's inputs and processes of time.

7 Q What kind of reports does it prepare?

8 A There are a lot of reports that are compliance
9 reports that they prepare. If leaders need to know any
10 history on employees or a group, they prepare that
11 information.

12 Q Are the leaders of all these towers based in
13 Atlanta?

14 A The managers in Time & Attendance are in
15 Atlanta, yes.

16 Q What other groups besides Time & Attendance are
17 within the HR division?

18 A There are multiple groups. There's Data
19 Management. There's Systems Ops. There's Talent
20 Acquisition. There's Human Resource HR VPs. I'm sure
21 there's many more that I'm not aware.

22 Q What are your responsibilities as a senior HR
23 coordinator?

24 A My day-to-day responsibilities are to answer any

Page 19

1 ServiceNow questions that come in from either leaders or
2 employees, and then I have some additional
3 responsibilities.

4 Q So I used the term ground non-contract employees
5 before. You said you knew what I was talking about
6 there, right?

7 A Yes, sir.

8 Q And what -- Can you sort of define what those
9 employees are within Delta?

10 A A ground non-contract employee is anyone that's
11 position is essentially on the ground, they're not a
12 flight crew. They do not fly in the airplanes or fly
13 airplanes.

14 Q And how many approximately -- to your
15 understanding, approximately how many employees at Delta
16 are ground non-contract employees?

17 A I have no idea on the number.

18 Q Sure. Would you guess that it's over a
19 thousand?

20 A Yes.

21 Q Okay. And are all ground non-contract employees
22 full time?

23 A No.

24 Q How -- What percentage of them approximately is

Page 20

1 full time or part-time?

2 A I have no idea.

3 Q Who would know that?

4 A I have no idea.

5 Q Is it fair to say somebody would probably be
6 able to give me an answer to that?

7 A I would assume someone would be able to provide
8 that answer, but not me.

9 Q Sure. Is it fair to say there's over more than
10 a thousand full-time ground non-contract employees at
11 Delta?

12 A Absolutely.

13 Q And more than 10,000?

14 A Absolutely.

15 Q Has that been consistent over the last say seven
16 or eight years?

17 A I have no idea.

18 Q I'll ask a question better. Is it fair to say
19 that over the last seven or eight years on any given
20 year there's probably more than 10,000 full-time ground
21 non-contract employees at Delta?

22 A That would be my guess.

23 Q Any reason to think that's not the case?

24 A No.

Page 21

1 Q Now, of these ground non-contract employees, are
2 some of them on a regular schedule and some on an
3 irregular schedule?

4 A Yes.

5 Q Just so we can have sort of -- make sure we're
6 on the same page, what is a regular schedule basically
7 within Delta?

8 A A regular schedule is defined as eight hours a
9 day, five days on, two days off, or 10 hours a day, four
10 days on, three days off.

11 Q And how about an irregular schedule?

12 A An irregular schedule is a number of different
13 combinations of hours and days off and rotations. So
14 anything outside of a regular schedule would be
15 considered an irregular schedule.

16 Q Are most ground non-contract employees on a
17 regular or an irregular schedule?

18 A I would say most are on a regular schedule
19 within certain divisions and others are on irregular
20 schedules in other divisions.

21 Q Is there a significant number of employees who
22 are on a regular schedule -- Let me ask -- I'll just
23 give you numbers. Would you say there's more than a
24 thousand employees on a -- a thousand ground

Page 22

1 non-contract employees on a regular schedule?

2 A I would assume so, yes.

3 Q And is there more than a thousand ground
4 non-contract employees on an irregular schedule?

5 A I would assume, yes.

6 Q Do pay periods differ between people on regular
7 and irregular schedules?

8 MR. FORTIN: Object to form.

9 THE WITNESS: We have two types of pay periods. We
10 have biweekly and we have semi-monthly.

11 MR. FERRI: Q Okay. So this is something I think
12 I was going to get into with a document in a little bit,
13 but why don't we just ask it now.

14 Can you explain -- Well, what's a -- Can you
15 explain how those pay periods differ?

16 A Semi-monthly is two paychecks a month. Biweekly
17 is a paycheck every two weeks.

18 Q Okay. And does whether somebody gets a biweekly
19 or a semi-monthly paycheck depend on whether they are a
20 regular or irregular scheduled employee?

21 A No.

22 Q Okay. So, in other words, amongst the
23 irregularly scheduled, with an I, employees, some may be
24 biweekly and some may be semi-monthly; is that correct?

Page 23

1 A Correct.

2 Q And the same is true for regularly, with an R?

3 A Correct.

4 Q And there isn't another pay period for
5 irregularly scheduled -- another type of pay period for
6 irregularly scheduled employees, is that right, with an
7 I?

8 A That's the only two pay periods for our active
9 employees that we use, biweekly and semi-monthly.

10 Q Are the majority -- Well, that's a bad way of
11 putting it.

12 Are there more than -- To your understanding,
13 are there more than a thousand ground non-contract
14 employees working in the state of Georgia for Delta?

15 A I have no idea how many are in Georgia.

16 Q Okay. I mean, how big is Delta's operation in
17 Georgia?

18 A It's huge, but I have no idea what you mean by
19 how big.

20 Q Well, what do you mean by huge?

21 A It's a hub operation. So, yes, there are a lot
22 of employees, but I have no idea how many.

23 Q And of those, would a lot be on a regular
24 schedule?

Page 24

1 A I don't know.

2 Q Any reason to think that it would not be -- that
3 many of them would not be on a regular schedule?

4 A Again, I can't tell you how many are on regular
5 schedules or how many on irregular schedules. I do not
6 know.

7 Q How often do you come to Georgia for work?

8 A Not often.

9 Q Once a year even?

10 A No, probably three to four times a year.

11 Q Okay. And where is Delta's headquarters within
12 Georgia?

13 A Atlanta, Georgia.

14 Q Okay. Is it like a campus or how is it set up?
15 Or is it a building or is it sort of like -- sort of an
16 office campus?

17 A Well, there is a general office. There is a
18 huge airport. There's technical operations. There is
19 reservations. So we're kind of spread around.

20 Q Okay. A lot of employees are there, right?

21 A I would assume so, yes.

22 Q I'm going to introduce a document, so bear with
23 me while I try and do that.

24 We are just numbering them by deposition,

Page 25

1 right, like starting with 1 here?

2 MR. FORTIN: Yeah, I think we started over every
3 time.

4 MR. FERRI: Yep.

5 MR. FORTIN: And, Renee, he's going to show you a
6 document in that window over there.

7 THE WITNESS: Okay.

8 MR. FERRI: Q All right. I just introduced an
9 exhibit which will be Barnwell Exhibit 1 with the Bates
10 No. ending in 00443.

11 (Document marked as Barnwell Deposition
12 Exhibit 1 for identification.)

13 Q Please let me know when you're able to see that
14 document.

15 A I can see it now.

16 Q And can you tell me what this document is?

17 A No, not without reading it.

18 Q Sure. Well, why don't you take a minute to --
19 You know, read the first page at least.

20 MR. FORTIN: And, Dan, I'm sorry, I'm just going to
21 talk to the witness a second about viewing.

22 Do you want to make it larger? Would you like
23 me to do --

24 THE WITNESS: Yeah. No, I'm good -- I'm good here.

Page 26

1 I'm just --

2 MR. FORTIN: Sorry for the interruption.

3 THE WITNESS: Okay. I completed reading.

4 MR. FERRI: Q Thank you. If you can go down to
5 the bottom of the first page of e-mails there, do you
6 see an e-mail from Minfang Long to yourself on May 12th,
7 2021?

8 A Yes.

9 Q Okay. And who is Minfang Long?

10 A She is an HR VP.

11 Q Is she within the Time & Attendance group?

12 A No.

13 Q What group is she in?

14 A She is a Human Resource manager, a business
15 partner.

16 Q What's that mean?

17 A She works with various departments and/or
18 divisions as the HR manager.

19 Q Doing what?

20 A Addressing any issues with leaders and/or
21 employees.

22 Q Okay. Is she out of Atlanta?

23 A I assume, but I don't know.

24 Q Sure. Okay. In this e-mail from Ms. Long to

Page 27

1 yourself, do you see the second sentence where it says,
2 I recently joined Crew Resources team and Krista asked
3 me to follow up with you to review the overtime
4 situation of the Crew Tracking team? Do you see that?

5 A Yes.

6 Q Do you have any idea what in the context of this
7 e-mail she means by the overtime situation for Crew
8 Tracking team?

9 A I do.

10 Q What is that?

11 A I did an overtime/double time reconciliation for
12 Crew Tracking due to some issues during COVID and the 25
13 percent reduced work schedule that Delta implemented.

14 Q What do you mean by a reconciliation?

15 A It was an audit.

16 Q Okay. And what was the purpose of this
17 particular audit?

18 A Her tracking did not apply some of the corporate
19 policies and procedures regarding work hours and
20 overtime and double time during our COVID period.

21 Q What policies or procedures did they not apply?

22 A They did not apply overtime correctly during
23 this period of time and, therefore, the employees were
24 not paid correctly to policy and procedure.

Page 28

1 Q How did they not pay overtime or apply overtime
2 correctly?

3 A During the COVID year we were directed to reduce
4 schedules by 25 percent. So employees were working 32
5 hours instead of 40 hours approximately. This
6 department was not able to meet their work requirements
7 in their operation, and so they offered employees
8 additional shifts, and they did not pay overtime
9 accordingly to those additional shifts. They paid
10 employees straight time.

11 Q So tell me if I am understanding this correctly.
12 So during this COVID year, instead of working 40 hours a
13 week, employees in the Crew Tracking Department may have
14 been scheduled for 32 hours a week; is that correct?

15 MR. FORTIN: Objection, misstates testimony.

16 MR. FERRI: Q Well, I want to see -- just sort of
17 walk through this. So tell me if I'm misstating
18 anything. We'll take it one step at a time basically.
19 So I can rephrase that question.

20 A Please.

21 Q Okay. So during the COVID year was there a
22 reduction in scheduled work hours for people within this
23 group?

24 A Yes.

Page 29

1 Q But then it turned out that the group, just to
2 complete what needed to be done, needed people to end up
3 working more than their scheduled hours; is that right?

4 A Correct.

5 Q And so people within that group started taking
6 on additional hours worked beyond their scheduled hours;
7 is that right?

8 A Beyond their reduced scheduled hours.

9 Q And they were not paid overtime for those
10 additional hours worked; is that right?

11 A Correct.

12 Q Now, my question I guess is, are you saying that
13 then you determined that they should be paid overtime
14 for those additional hours worked?

15 A Correct.

16 Q Because -- So even though the additional hours
17 worked might not have taken them in excess of 40 hours a
18 week, because they were in excess of their reduced
19 scheduled hours, they should have gotten paid overtime
20 is how that got determined; is that right?

21 MR. FORTIN: Objection, misstates testimony. Object
22 to form.

23 THE WITNESS: The Crew Tracking works irregular
24 schedules and we needed to look at each employee's

Page 30

1 schedule and calculate or audit what they were paying
2 for additional shifts.

3 MR. FERRI: Q Additional shifts in excess of their
4 reduced scheduled time, right?

5 A Correct.

6 Q So I guess what I'm trying to figure out was
7 during this time period was the overtime threshold based
8 on their reduced scheduled hours worked, reduced
9 schedule?

10 A I'm sorry, ask the question again.

11 Q Sure. Maybe I'll take a step back too. Whether
12 someone gets paid overtime rates or double time rates
13 depends on them having worked a certain amount of hours
14 in a work period; is that right?

15 A Working their scheduled hours in a work period.

16 Q Sure. And during this COVID period that ability
17 to be paid overtime pay or double time pay was based on
18 working their reduced scheduled hours, right, not like
19 their unreduced scheduled hours?

20 A Before overtime or double time was paid they
21 still had to work their scheduled hours, not reduced
22 scheduled, but their scheduled hours.

23 Q So -- I feel like maybe we're talking past each
24 other. I don't want to spend too much time on this, but

Page 31

1 I do want to get this clear. So let me just try and
2 take a different tack.

3 Why were people thinking during this period of
4 time that they did not receive appropriate overtime or
5 double time pay?

6 MR. FORTIN: Objection, calls for speculation.

7 THE WITNESS: I don't know.

8 MR. FERRI: Q Well, why did you determine that
9 they had not received their appropriate overtime and
10 double time pay?

11 A We had a complaint.

12 Q A complaint from whom?

13 A I have no idea.

14 Q And what was the nature of that complaint? Like
15 what were they complaining about?

16 A I never actually saw the complaint. So I don't
17 know exactly what they were saying.

18 Q What was your understanding of the complaint?

19 MR. FORTIN: Calls for speculation.

20 THE WITNESS: I don't know. Again, I never saw the
21 actual complaint.

22 MR. FERRI: Q Well, you said there was some
23 corrective -- Like what was the audit addressing? Let
24 me ask you that.

Page 32

1 A The audit? We took multiple pay periods, we
2 took every employee individually, we reviewed what they
3 were scheduled to work, what they did work, were they
4 taking vacation or liability time. We just looked at
5 each individual person to determine if they had been
6 paid in accordance with our policy.

7 Q And when you say what were they scheduled to
8 work, do you mean the reduced schedule during COVID or
9 do you mean a normal pre-COVID schedule?

10 A A normal pre-COVID schedule, because this
11 department was allowed to go back and I believe they
12 were granted exception to work full time.

13 Q Okay. Okay. And why had the department not
14 paid overtime pay or double time pay in accordance with
15 policy during this period?

16 MR. FORTIN: Objection, calls for speculation.

17 THE WITNESS: I don't know what they were thinking.

18 MR. FERRI: Q How did they not pay it correctly?

19 MR. FORTIN: Object to form.

20 THE WITNESS: I don't know how to answer how.

21 MR. FERRI: Q Sure. In what way did they deviate
22 from the appropriate procedure of paying overtime?

23 A I don't know how they deviated.

24 Q Well, you're saying they didn't -- You said

Page 33

1 that -- And correct me if I'm wrong. I don't want to
2 put words in your mouth. But you said that they did not
3 pay overtime in accordance with the policies and
4 procedures, right?

5 A Correct.

6 Q Okay. In what way did they not?

7 A When they allowed an employee to pick up the
8 shift, they paid it as straight time.

9 Q And why should it have been paid as overtime or
10 double time?

11 MR. FORTIN: Objection, form.

12 THE WITNESS: One, because Delta asked them to pick
13 up shifts, and, two, if it was above their regularly
14 scheduled, then they should have been paid
15 appropriately.

16 MR. FERRI: Q Thank you for working through that
17 with me.

18 I'll introduce another exhibit now. I'm going
19 to introduce what's going to be marked as Exhibit 2.
20 This is a document ending in Bates No. 00463.

21 (Document marked as Barnwell Deposition
22 Exhibit 2 for identification.)

23 Q Let me know when you can see this please,
24 Ms. Barnwell.

Page 34

1 A I can.

2 Q So this would have been produced as an Excel
3 sheet, so it comes up a little different here in the
4 browser. But do you have any idea what we're looking at
5 here?

6 A I believe it is the audit that we conducted.

7 Q So that audit went back to 2018?

8 A Let me get it to slide down. There we go.

9 Actually, I don't -- I don't know what this document is.

10 Q Okay. Do you know what EMP NO there is in row
11 3?

12 A Employee number.

13 Q And EMP NM?

14 A Employee name.

15 Q Do you know where the information on this
16 spreadsheet would have been pulled from, what system?

17 A I do not.

18 Q If you go in that row to -- Do you see where it
19 says OT?

20 A Yes, sir.

21 Q Is that overtime?

22 A Yes, sir.

23 Q DT, is that double time?

24 A Yes, sir.

Page 35

1 Q What about 2S, do you know what that is?

2 A Second shift.

3 Q 3S?

4 A Third shift.

5 Q PPT?

6 A I'm not seeing that column.

7 Q Next to 3S, PPT.

8 A I've got to get the document to slide over.

9 Yes, PPT is paid personal time.

10 Q Okay. How about HOL?

11 A Holiday hours.

12 Q DOC?

13 A Docking hours.

14 Q And S means straight?

15 A I'm assuming would be straight time hours.

16 Q Okay. I'm going to move on to a different
17 exhibit. I'm introducing Exhibit 3, which is a document
18 ending in the Bates No. 00654.

19 (Document marked as Barnwell Deposition

20 Exhibit 3 for identification.)

21 Q Please let me know when you can see that
22 document.

23 Can you see that document?

24 A I do. I'm reading through this document.

Page 36

1 Q Sure, please do.

2 MR. FORTIN: Dan, I see we're coming up on an hour.

3 When you're done with this document, would it be a good
4 time to take a break?

5 MR. FERRI: That's fine.

6 THE WITNESS: Okay.

7 MR. FERRI: Q All right. So do you see an e-mail
8 on this page, again, I'm looking at the second e-mail
9 here, it's an e-mail from John Early to Ravi Vanmali and
10 other people, including yourself?

11 A Yes.

12 Q This is from November 16th, 2017?

13 A Correct.

14 Q Who is Ravi Vanmali?

15 A I have no idea.

16 Q All right. Do you see where John Early says,
17 Ravi, these individuals are all tracked outside of SAP
18 for time right now, we load their OT/DT at the end of
19 pay periods in a lump sum based on data we receive from
20 your team?

21 A Correct.

22 Q Do you see where it says, until we can get them
23 recording their time into MyTime on a daily basis, we
24 won't have access to daily OT/DT as it's recorded

Page 37

1 manually? Is that -- Do you see that?

2 A Yes, sir.

3 Q So in 2017 this is when you were in the contract
4 role for HR, right?

5 A Correct.

6 Q And you were working on sort of the MyTime and
7 MPS systems around this time; is that right?

8 A Correct.

9 Q Does this e-mail sort of relate to your role
10 doing so?

11 MR. FORTIN: Objection, lacks foundation.

12 MR. FERRI: Q Not a great question. I could ask
13 it, or something else. So let me ask a new question.

14 When Mr. Early says we load their OT/DT at the
15 end of pay periods as a lump sum based on data we
16 receive from your team, do you know -- would you know
17 what he means by that?

18 MR. FORTIN: Objection, calls for speculation.

19 THE WITNESS: This group was manually tracked. They
20 were not in a time and attendance system.

21 MR. FERRI: Q And for people who were manually
22 tracked, how did Delta keep track of the amount of hours
23 that they worked? Or let me ask it a different way.

24 Strike that.

Page 38

1 Looking at this word "load" here in this
2 document, how did -- how was manually tracked time
3 loaded into a system at Delta?

4 A The department would send us a spreadsheet and
5 we would input that information into the SAP system.

6 Q Is the SAP system a payroll system at this
7 period of time?

8 A The SAP is the name of the entire HR system.
9 MyTime is part of SAP.

10 Q So in this period of time, when they were
11 uploading the time into the SAP system, were they
12 loading it into MPS or MyTime?

13 A No, they were not.

14 Q Okay. They were just -- they were uploading it
15 to the system and then that would feed into the payroll
16 system; is that right?

17 MR. FORTIN: Object to form.

18 THE WITNESS: Again, SAP is the total system.
19 Everything feeds into SAP.

20 MR. FERRI: Q I guess my question is, for the
21 manually tracked time, it was uploaded into the system,
22 right?

23 A It was uploaded into the SAP system.

24 Q And it would have been -- then that uploaded

Page 39

1 time would have been used to determine whether somebody
2 should receive overtime pay; is that right?

3 MR. FORTIN: Object to form.

4 THE WITNESS: We loaded the information from the
5 spreadsheet into the system based on the department's
6 application of Delta policy.

7 MR. FERRI: Q Okay. So the department was
8 manually deciding if somebody should be paid overtime or
9 double time rates at that point; is that right?

10 A Correct.

11 MR. FORTIN: I'm sorry. I'm going to object, lack
12 of foundation. I don't think we've established what
13 department is involved here.

14 MR. FERRI: Q Well, do you see the subject of that
15 e-mail, Ms. Barnwell?

16 A Yes.

17 Q Do you see where it says Crew Tracking?

18 A Yes.

19 Q Do you understand that you're referring to the
20 Crew Tracking Department?

21 A Yes.

22 Q So at that point in time the Crew Tracking
23 Department was sort of determining the -- Strike that.

24 At that point in time Crew Tracking was

Page 40

1 determining whether somebody should be paid OT or double
2 time for a given shift manually; is that right?

3 A Correct.

4 Q Are you thinking or did you not hear my
5 question?

6 Okay. At that -- I can ask it again. At that
7 point in time there were individuals making their own
8 determinations in the Crew Tracking Department about
9 whether a given shift should be paid at OT or DT; is
10 that right?

11 A Again, correct.

12 Q Okay. And at some point Crew Tracking
13 transitioned to MyTime; is that right?

14 A Correct.

15 Q And then at that point the determination of
16 whether a shift should be paid overtime or double time
17 rates was determined automatically, correct?

18 A Correct.

19 Q Who in the Crew Tracking Department was making
20 that determination about whether a shift should be paid
21 at overtime or double time rates?

22 A I don't know.

23 Did you not hear my answer?

24 Q I heard you say I don't know. I was just

Page 41

1 looking at --

2 A Okay.

3 Q -- a document.

4 Did you want to take a break now?

5 MR. FORTIN: I guess if she needs a break.

6 THE WITNESS: Yeah.

7 MR. FORTIN: Yeah, we'll take a break now.

8 MR. FERRI: Okay, cool. And I think we're moving
9 along pretty well here in general.

10 THE VIDEOGRAPHER: Please standby. We are going off
11 record at 11:06 a.m.

12 (Recess was taken.)

13 THE VIDEOGRAPHER: We are back on record at 11:19
14 a.m. You may proceed.

15 MR. FERRI: Q So before our break, Ms. Barnwell,
16 we were talking about the Crew Track -- the Crew
17 Tracking team calculating overtime and double time
18 manually. Do you remember that?

19 A Yes, sir.

20 Q And before that we were talking about a time I
21 think that was more closer to 2021 when they had
22 deviated from Delta policies and procedures in how they
23 calculated overtime and double time. Do you recall
24 that?

Page 42

1 A It was not '21. It was 2020.

2 Q Okay. But there was a point at which they were
3 not aligning with Delta's policies and procedures in how
4 they were manually tracking overtime and double time; is
5 that right?

6 A Correct.

7 Q Where are the Delta policies and procedures that
8 govern how overtime and double time are supposed to be
9 paid stored?

10 A The HR policies are located on DeltaNet.

11 Q And that tells the people who are in charge of
12 calculating overtime/double time manually in the past
13 how they should be doing so; is that right?

14 A They are --

15 THE REPORTER: Mr. Fortin, if you were saying
16 something, it didn't come through.

17 MR. FORTIN: I'm sorry, I just said objection to
18 form.

19 MR. FERRI: Q You can answer.

20 A The policies are there for both employees and
21 leaders to review.

22 Q Do leaders, with respect to calculating payment
23 for overtime or double time, receive training on those
24 policies?

Page 43

1 A If they request it.

2 Q And if they request it, who would give that
3 training?

4 A In today's environment, it would be part of our
5 training team.

6 Q How about in the -- in the 2017 time period?

7 A I'm not sure who would have provided the
8 training.

9 Q Are you aware of training ever -- Are you aware
10 of any instances in which training was provided in how
11 overtime and double time should be paid by people who
12 were doing manual -- the teams who were doing manual
13 calculation of that?

14 MR. FORTIN: Object to form.

15 THE WITNESS: I am not.

16 MR. FERRI: Q So, to your knowledge, are they just
17 supposed to just sort of read the document and figure it
18 out or what?

19 MR. FORTIN: Object to form.

20 THE WITNESS: We will be happy to help them if they
21 ask for the help.

22 MR. FERRI: Q But otherwise they're supposed to
23 look at the documents on DeltaNet and decide how to do
24 it; is that right?

Page 44

1 MR. FORTIN: Object to form, misstates testimony.

2 THE WITNESS: Do I still answer?

3 MR. FORTIN: Yeah, you can answer if you understand
4 the question.

5 THE WITNESS: Yeah, I would like you to repeat the
6 question please.

7 MR. FERRI: Q Sure. What I'm trying to just get
8 an understanding of is when people, like in Crew
9 Tracking, at one point were making manual determinations
10 as to when overtime and double time rates should be
11 paid, what guidance do they receive in making those
12 determinations for Delta?

13 A Again, looking at the policy and the examples in
14 the policy.

15 Q Are you familiar with the Hours of Work
16 document?

17 A Yes.

18 Q Okay. Would that be the policy you're referring
19 to?

20 A Yes.

21 Q And are you aware of instances when people who
22 were in charge of making these manual determinations
23 were found by others in Delta not to have made them
24 consistent with the Hours of Work document?

Page 45

1 MR. FORTIN: Object to form, calls for speculation.

2 THE WITNESS: I am not.

3 MR. FERRI: Q What about in that 2020 period with
4 Crew Tracking, the time of the audit, were they acting
5 consistent with the Hours of Work document then?

6 MR. FORTIN: Object to form.

7 THE WITNESS: Because of the complaint, we chose to
8 do a complete audit to validate whether people were paid
9 correctly or not.

10 MR. FERRI: Q And did you find some instances
11 where people were not paid correctly?

12 A Yes.

13 Q And would that have been because the person in
14 charge of calculating overtime was not acting
15 consistently with the Hours of Work document?

16 A I don't know what was the reason beyond the
17 department was paying straight time. I don't know the
18 reason.

19 Q Okay. I'm going to introduce another document
20 here. Oh, let me -- before I do, let me ask you this.
21 How many groups within Delta are still doing this sort
22 of manual time entry?

23 A I believe there's only four.

24 Q And which groups are those?

Page 46

1 A I can't give you the exact department numbers.

2 Q Can you give me any way to identify any of them?

3 A Maintenance Control is one. I don't know what
4 the other departments' names or numbers are.

5 Q Why are they still doing it manually?

6 MR. FORTIN: Objection, calls for speculation.

7 THE WITNESS: I have no idea.

8 MR. FERRI: Q Do you know who would know the
9 answer to that question?

10 A I would assume leadership.

11 Q Anybody particular within leadership?

12 A Potentially John Early.

13 Q Anybody else?

14 A Not off the top of my head that I'm aware of. I
15 don't know names.

16 Q I'm going to introduce what's marked as Exhibit
17 4. It's a document ending in Bates No. 00709.

18 (Document marked as Barnwell Deposition
19 Exhibit 4 for identification.)

20 Q Please take a look at that document,
21 Ms. Barnwell, when it's available to you.

22 Have you had a chance to look at this document?

23 A I am -- Yes, I am at the top. Yes.

24 Q Yeah. Do you see the first e-mail here from

Page 47

1 Cheryl Gray to Minfang Long?

2 A On which date?

3 Q July 6th, 2021 at 4:43 p.m.

4 A Yes.

5 Q You're copied on that e-mail, correct?

6 A Yes.

7 Q And the subject of the e-mail mentions Crew
8 Tracking. Do you see that?

9 A Yes.

10 Q And do you understand this to refer to the Crew
11 Tracking group?

12 A Yes.

13 Q And at some point the Crew Tracking group was
14 transitioned into MyTime time and attendance system; is
15 that right?

16 A Correct.

17 Q And why did they do that?

18 A Our objective was to put everyone that we could
19 in a time and attendance system.

20 Q And why?

21 A Again, part of Delta's objective was to have
22 everyone in a system that was doing the calculations and
23 feeding to Payroll.

24 Q Why was that an objective?

Page 48

1 MR. FORTIN: Objection, calls for speculation to the
2 extent you're asking about Delta objectives.

3 THE WITNESS: I can't answer that question.

4 MR. FERRI: Q Do you have any understanding why
5 that was an objective of Delta?

6 MR. FORTIN: The same objection.

7 THE WITNESS: I'm sorry, I don't even understand
8 your question.

9 MR. FERRI: Q No problem. You said that there was
10 an objective of Delta to transition people so that their
11 time was automatically entered into a system, right?

12 A Correct.

13 Q So you know that -- you do have an understanding
14 at least that was an objective of Delta, right?

15 A Yes.

16 Q So what I'm asking is, do you have any
17 understanding of what -- of why that was an objective of
18 Delta?

19 MR. FORTIN: Same objection, speculation.

20 THE WITNESS: Again, that was a decision over my
21 head.

22 MR. FERRI: Q Sure. But do you have --
23 Nevertheless, do you have an understanding of what -- of
24 why that was an objective for Delta?

Page 49

1 MR. FORTIN: Same objection.

2 THE WITNESS: In my personal opinion, for
3 consistency.

4 MR. FERRI: Q So that all groups were getting paid
5 overtime and double time, for example, consistent with
6 each other?

7 MR. FORTIN: Objection to form.

8 MR. FERRI: Q Well, let me strike that question.
9 What do you mean by consistency?

10 A Any time that we have everyone in a system
11 that's doing the calculations, applying the policies,
12 and going -- the information going to Payroll, it
13 provides consistent pay.

14 Q How does the system apply the policies?

15 MR. FORTIN: Object to form.

16 THE WITNESS: The system has been coded, and that
17 coding takes the information and applies the rules to
18 time.

19 MR. FERRI: Q Have you ever seen that coding?

20 A I'm not a coder, sir. No.

21 Q Sure. Do you know who did that coding?

22 A No. In terms of specifically who did the
23 coding, no.

24 Q Do you know what group or do you know any --

Page 50

1 yeah, what group might have done the coding?

2 A I would assume our Information Technologies
3 group.

4 Q And do you know who would have given them the
5 directions on how to code it, to code the system with
6 respect to the calculation of overtime?

7 MR. FORTIN: Objection, calls for speculation.

8 THE WITNESS: IT is given business requirements
9 documents, and they code based on the business
10 requirement documents.

11 MR. FERRI: Q In this e-mail do you see where it
12 says -- this first e-mail we're looking here at
13 Plaintiff's Exhibit 4, do you see where it says, yes,
14 that is part of the transition from SM to BW?

15 A Yes.

16 Q Do you know what SM and BW mean from this
17 context?

18 A Semi-monthly to biweekly.

19 Q And did the transition to MyTime affect whether
20 people were paid semi-monthly or biweekly?

21 A It didn't -- MyTime didn't change their pay
22 frequency unless we transitioned them from semi-monthly
23 to biweekly. But MyTime handles both.

24 Q And I think we discussed this, but whether

Page 51

1 someone's paid semi-monthly or biweekly, does that
2 affect how they are paid overtime?

3 MR. FORTIN: Object to form.

4 THE WITNESS: No, it does not.

5 Actually, I'm going to back up just a moment.
6 I want you to ask the question again.

7 MR. FERRI: What question?

8 THE WITNESS: The one you just asked me, sir.

9 MR. FERRI: Ms. Watts, would you mind reading back
10 that question.

11 (Whereupon, the reporter read the following:

12 "Q And I think we discussed this, but whether
13 someone's paid semi-monthly or biweekly, does
14 that affect how they are paid overtime?")

15 THE WITNESS: Okay. Thank you. I stick with my
16 answer.

17 MR. FERRI: Q Thank you. I appreciate the --
18 We're looking for clarity here. So that's all good.

19 I'm going to introduce another exhibit here.
20 This will be Exhibit 5, a document ending in Bates
21 No. 00792.

22 (Document marked as Barnwell Deposition
23 Exhibit 5 for identification.)

24 Q Do you see this document?

Page 52

1 A I'm looking through it, sir.

2 Q Yes, please.

3 A Okay.

4 Q Do you see this e-mail from Dan Hampton to a
5 number of people, including yourself, on September 22nd,
6 2021?

7 A I do.

8 Q Do you understand this to generally refer to the
9 transition to -- from departments, including Crew
10 Tracking, to the MyTime system?

11 A Yes.

12 Q Just in case, do you know which departments
13 Department 008 and 061 are?

14 A One is Crew Tracking and one is -- I don't know
15 what the other one is technically called.

16 Q Generally what is it; do you know?

17 A They both involve pilots' scheduling and Crew
18 Tracking.

19 Q Okay. And in this e-mail from Mr. Hampton, he
20 says he has a few questions for the coordinators. Do
21 you see that?

22 A I do.

23 Q And in the first question, I'll read it, it
24 says, if a coordinator swaps all scheduled shifts to

Page 53

1 another coordinator during a single pay period, but then
2 picks up a shift from an extra time bid that was on a
3 regular scheduled day off, how will that shift be paid.
4 Do you see that?

5 A I do.

6 Q Do you understand what he's asking there?

7 MR. FORTIN: Objection, calls for speculation.

8 MR. FERRI: Q Let me ask it this way. Does that
9 question make sense to you?

10 A It does. And they're asking if an employee
11 swaps away -- I'm assuming that's where I say swaps
12 away -- all of their shift during a scheduled week and
13 then picks up extra shifts, they're asking if he would
14 be paid -- or they're asking how the shift would be
15 paid.

16 Q And would that shift be paid differently after
17 the transition to MyTime than it would have been before
18 the transition to MyTime?

19 MR. FORTIN: Objection, lack of foundation, calls
20 for speculation.

21 THE WITNESS: I do not know how they would have paid
22 it prior to.

23 MR. FERRI: Q And how would they have paid it
24 after?

Page 54

1 A It would not pay at overtime.

2 Q Okay.

3 A In that specific example it would not pay.

4 Q Understood. Do you have any idea why he's
5 asking this question?

6 MR. FORTIN: Objection, calls for speculation.

7 THE WITNESS: I believe this group did a tremendous
8 amount of swapping shifts and were very concerned about
9 being paid for hours worked under biweekly pay.

10 MR. FERRI: Q Do you understand that they might
11 have been paid overtime rates for this shift that was
12 picked up on a regularly scheduled day off in question 1
13 here prior to the transition to MyTime?

14 MR. FORTIN: Objection, lacks foundation and calls
15 for speculation.

16 THE WITNESS: I don't know how it would have been
17 paid before.

18 MR. FERRI: Q Is it possible that it would have
19 been paid as overtime by this group before the
20 transition to MyTime?

21 MR. FORTIN: Same objection.

22 THE WITNESS: I have no idea.

23 MR. FERRI: Q Do you have any reason to think it
24 was not possible?

Page 55

1 A I -- I think it is possible, but it would have
2 been paid incorrectly.

3 Q By incorrectly, you mean as overtime pay?

4 A Potentially, yes.

5 Q Why do you say that's incorrectly?

6 A Well, number one, it's a hypothetical. So
7 without knowing what the schedules -- what the scheduled
8 shifts were and what was swapped off and what was picked
9 up, I cannot answer that question accurately.

10 Q Sure. But why do you say incorrectly?

11 A Again, I don't know without looking at the
12 specific situation. I can't tell you how it was going
13 to be paid.

14 Q Bear with me for one second. I'm going to look
15 to see if I want to introduce another exhibit here. I'm
16 going to introduce more in time, but.

17 I'm going to introduce what's marked as Exhibit
18 6. It's a document ending in Bates No. 004728.

19 (Document marked as Barnwell Deposition
20 Exhibit 6 for identification.)

21 Q Just let me know when you have a chance to look
22 at that document please.

23 THE WITNESS: Oh, what did I do?

24 MR. FORTIN: Hang on, we lost the window.

Page 56

1 MR. FERRI: No problem.

2 MR. FORTIN: All right. We're back.

3 THE WITNESS: Let me scroll down. There we go.

4 MR. FERRI: Q Please take a moment to read that
5 e-mail there.

6 A I have to make this bigger. Okay.

7 Q All right. Do you see the e-mail here from
8 Pamela Joki to Cheryl Gray?

9 A Yes.

10 Q And do you see in that e-mail they include some
11 messages, one from a D.R. Barnwell?

12 A Yes.

13 Q Does that D.R. Barnwell refer to you?

14 A That is me.

15 Q Maybe it's R.D. Barnwell. I apologize.

16 What are these messages from?

17 MR. FORTIN: Objection, form.

18 MR. FERRI: Q Let me ask it a different way. What
19 system are these messages created in?

20 A Well, the e-mail would have been through Outlook
21 and the -- I don't know where these other messages,
22 whether they were Outlook or Teams. I don't know.

23 Q Do you use Teams for communication?

24 A Yes.

Page 57

1 Q Regularly?

2 A Yes.

3 Q I want you to look at the second message there
4 please.

5 A Yes, sir.

6 Q The one at 8:30 a.m.

7 MR. FORTIN: Sorry, Dan, are we looking at the
8 second e-mail or the second message?

9 MR. FERRI: Q The second message from D.R.
10 Barnwell at 8:30 a.m. Do you see that? It starts with,
11 okay, I'll put together a list and send you.

12 A Yes.

13 Q It says, Department -- I can't tell if it's an 8
14 or a 6, but Department 8 has not gotten schedules to me
15 yet, but demonstrating at least some of these will help.
16 Please be prepared for lots of swap questions, not just
17 how to input, but how it's going to pay. They are very
18 concerned about the OT issues. Do you see that?

19 A Yes.

20 Q It goes on, so in reconciling balances, I found
21 that Department 61 allowed holidays from 2021 to be used
22 in 2022. They, again, are creating their own rules. So
23 some policy discussion may arise. Do you see that?

24 A I do.

Page 58

1 Q What do you mean by creating their own rules in
2 the context of this document?

3 A That was my way of saying they weren't following
4 policy.

5 Q And would these be the people who were doing the
6 manual determinations of overtime?

7 A Correct.

8 Q And so to your understanding there had been
9 discrepancies in how groups in charge of doing manual
10 determinations of overtime made those determinations
11 versus how those determinations are or would have been
12 made in the automated system; is that right?

13 MR. FORTIN: Objection, misstates testimony.

14 MR. FERRI: Q I can rephrase that question. Is it
15 your understanding that historically there have been
16 discrepancies in the way that people in the manual
17 groups calculated when overtime and double time pay
18 should be paid versus how those same calculations would
19 have been determined in the automated system?

20 MR. FORTIN: Same objection.

21 THE WITNESS: Yes, there have been some
22 determinations that things were not paid correctly by
23 manually tracked.

24 MR. FERRI: Q Generally speaking, in Delta there's

Page 59

1 weekly overtime and daily overtime; is that right?

2 A Correct.

3 Q Are you aware of any discrepancies in how weekly
4 overtime has been calculated?

5 MR. FORTIN: Object to form.

6 THE WITNESS: That's a very vague question.

7 MR. FERRI: Q Okay. Let me ask it another way.

8 Do you know -- Do you have any reason -- Or, sorry,
9 strike that.

10 Do you have any understanding at all of the
11 basis for manual groups' determinations of how overtime
12 or double time should be paid that was different from
13 how they would have been paid through the automated
14 systems?

15 MR. FORTIN: Object to form.

16 THE WITNESS: Again, manual is a human being making
17 a determination, and a pay system is automatedly --
18 automatically applying the policies and the rules.

19 MR. FERRI: Q As coded in there, correct?

20 A Correct.

21 Q So stepping out, is it fair to say that there is
22 a policy within Delta for how overtime and double time
23 will be paid, and that's included within this Hours of
24 Work document we talked about?

Page 60

1 MR. FORTIN: Object to form, misstates testimony.

2 MR. FERRI: Q Let me rephrase it because I'm
3 not -- I don't think I was even restating your
4 testimony. I was basing it on things we discussed, but
5 I wasn't trying to restate any of your testimony. So I
6 can it more -- I'll break it up a little bit more.

7 Is there a policy, a Delta policy, about how
8 overtime and double time should be calculated?

9 A Yes.

10 Q Is that policy within the Hours of Work
11 document?

12 A Yes.

13 Q And then there's the practice within Delta as to
14 how hours -- overtime and double time is actually
15 calculated, right?

16 MR. FORTIN: Object to form.

17 THE WITNESS: I would say that, again, we try to
18 follow policy.

19 MR. FERRI: Q Yes. But the practice of
20 calculating overtime and double time within Delta has
21 not always, in your understanding, matched the policy;
22 is that right?

23 MR. FORTIN: Objection to form.

24 THE WITNESS: That would be correct.

Page 61

1 MR. FERRI: Q We talked before about ground
2 non-contract employees generally. Do you remember that?

3 A Yes.

4 Q Do they all have the ability to swap shifts
5 within Delta?

6 MR. FORTIN: Object to form and calls for
7 speculation.

8 THE WITNESS: There are -- The answer to the
9 question is, no, not everybody can swap shifts.

10 MR. FERRI: Q Who cannot swap shifts?

11 MR. FORTIN: Object to form and calls for
12 speculation.

13 THE WITNESS: There are some divisions or
14 departments within divisions and there are some State
15 requirements that prevent it.

16 MR. FERRI: Q What states?

17 A I cannot answer that question, sir.

18 Q Do you have any idea how many states?

19 A No, sir.

20 Q No idea whatsoever?

21 A No, sir.

22 Q Can you name a single state?

23 MR. FORTIN: Objection, asked and answered.

24 MR. FERRI: Q You can answer.

Page 62

1 A No, I cannot.

2 Q Sure. Okay. But you say -- you say some states
3 don't allow swapping. I'm just trying to understand
4 like are you -- So are you saying, and I'm asking, that
5 there are some states where there's Delta employees who
6 are not allowed to swap shifts?

7 A My understanding is there are some states that
8 do not allow, but I -- beyond that, I cannot give you
9 specific states.

10 MR. FORTIN: Yeah, and I'm just going to interpose
11 an objection here. I feel like we may be asking for a
12 legal opinion.

13 MR. FERRI: Q So I'm not asking for what the law
14 of the state may say. I'm asking whether if there's
15 states where Delta does not allow its employees to swap
16 shifts -- Delta does not allow its employees in those
17 states to swap shifts. And you're saying, just to be
18 clear, you do not -- you do not -- you cannot identify
19 any such state; is that right?

20 A That is correct.

21 Q Okay. Generally speaking, are most ground
22 non-contract employees in Delta permitted to swap
23 shifts?

24 A Most are, but not all.

Page 63

1 Q Most are, but not all. Do you have any -- Can
2 you give me any sort of idea of what percentage of them
3 are not allowed to swap shifts?

4 A No, sir, I cannot.

5 Q But it's fair to say most are, right?

6 A Correct.

7 Q You mentioned I think with respect to Crew
8 Tracking that they were heavy shift swappers; is that
9 right?

10 A Correct.

11 Q Do you have any idea how -- when you say heavy
12 shift swappers, like how frequently that means in your
13 understanding?

14 MR. FORTIN: Objection, calls for speculation.

15 THE WITNESS: I can't give you a specific.

16 MR. FERRI: Q What does heavy mean to you,
17 approximately?

18 MR. FORTIN: Object to form.

19 THE WITNESS: Under the semi-monthly pay frequency
20 an employee could swap his entire shifts, all of his
21 shifts off.

22 MR. FERRI: Q Did that change with the biweekly?

23 A What changed is with biweekly they were paid for
24 the hours they worked.

Page 64

1 Q Can you explain that difference to me please?

2 A Semi-monthly, they got one-half of their base
3 salary every month -- or, excuse me, every pay period
4 regardless of the hours that they worked in the pay
5 period. Biweekly is you're paid for the hours you work.

6 Q But the pay should be the same; is that right?

7 A The pay is the same based on the annual salary,
8 yes.

9 MR. FORTIN: Give me just a second before you answer
10 to object.

11 THE WITNESS: Sure. Sorry.

12 MR. FORTIN: No, no worries. Sorry, go on, Dan.

13 MR. FERRI: Q Did the overtime threshold change
14 between the semi-monthly and the biweekly pay?

15 MR. FORTIN: Objection, lacks foundation.

16 THE WITNESS: Their overtime was based on their
17 scheduled work periods.

18 MR. FERRI: Q For both semi-monthly and biweekly?

19 A Correct.

20 Q And so would swaps have affected the payment of
21 overtime differently in a semi-monthly versus biweekly
22 pay system?

23 A Should not.

24 Q Should not, but did it?

Page 65

1 A Again, I cannot answer under the manual how they
2 were doing it.

3 Q Did it make a difference in the automated
4 system?

5 A It was applied correctly in the automated
6 system.

7 Q Both semi-monthly and biweekly?

8 A In the automated system, yes.

9 Q And when you say correctly, what do you mean?

10 A Swaps do not count for overtime.

11 Q And we can get into that a little bit later, but
12 what you're -- Where does that come from?

13 MR. FORTIN: Object to form.

14 THE WITNESS: It's stated in the policy.

15 MR. FERRI: Q So when -- Going back to what we
16 were talking about a minute ago, does the average
17 employee swap twice a year, 10 times a year, 20 times a
18 year?

19 A I have --

20 MR. FORTIN: Object to form and calls for
21 speculation.

22 THE WITNESS: I have no idea.

23 MR. FERRI: Q Just from your understanding, can
24 you give me any understanding of how frequently people

Page 66

1 swap?

2 MR. FORTIN: Object to form and calls for
3 speculation.

4 THE WITNESS: I have no idea.

5 MR. FERRI: Q Do you understand it to be
6 infrequently?

7 MR. FORTIN: Object to form and calls for
8 speculation.

9 THE WITNESS: I think you used the word average and
10 I cannot tell you that.

11 MR. FERRI: Q Well, now I'm asking do you
12 understand it to be infrequent?

13 MR. FORTIN: Object to form and calls for
14 speculation, and I think at this point asked and
15 answered.

16 MR. FERRI: You can answer.

17 MR. FORTIN: If you have an answer, you can answer
18 it.

19 THE WITNESS: I don't know how frequent or
20 infrequent people swap.

21 MR. FERRI: Q I guess do you understand it to be
22 an infrequent occurrence within Delta?

23 MR. FORTIN: Objection, it calls for speculation.
24 Object to form and asked and answered.

1 THE WITNESS: I'm sorry, are you waiting on me?

2 MR. FERRI: Q Yes.

3 A Again, I can't tell you how frequently or
4 infrequently people swap.

5 Q Are you permitted to swap shifts?

6 A No, not really.

7 Q What do you mean not really?

8 A Well --

9 Q Are you a ground non-contract employee?

10 A I'm a ground non-contract employee, but my
11 entire team works Monday through Friday.

12 Q Are you permitted to swap shifts under the
13 policy?

14 MR. FORTIN: Object to form and lacks foundation.

15 THE WITNESS: I would not be able to swap with
16 anybody because everybody works the same schedule.

17 MR. FERRI: Q I understand. I understand what
18 you're saying.

19 Have you ever heard of somebody swapping shifts
20 within Delta?

21 MR. FORTIN: I'm going to object to form.

22 THE WITNESS: Have I ever heard?

23 MR. FERRI: Q Yeah, of an instance where somebody
24 did that.

Page 68

1 A Yes.

2 Q Have you heard of multiple instances when
3 somebody did that, or multiple instances of somebody
4 swapping shifts?

5 A Yes.

6 Q Over 10?

7 A Yes.

8 Q Over a hundred?

9 A Yes.

10 Q Over a thousand?

11 A I would assume, yes.

12 Q If we wanted to know how many times in any given
13 year Delta ground non-contract employees did a full
14 swap, how do we find that out?

15 A One, I would like to know what you mean by full
16 swap.

17 Q They swapped off a shift and they swapped on a
18 shift with another employee.

19 MR. FORTIN: I'm just going to object, calls for
20 speculation.

21 THE WITNESS: I have no idea how we would determine
22 that.

23 MR. FERRI: Q Is this something that could be
24 determined?

1 MR. FORTIN: Object to form and calls for
2 speculation.

3 THE WITNESS: I don't really know how we would
4 determine all of that.

5 MR. FERRI: Q Do you see any issue with a
6 determination of it?

7 MR. FORTIN: Object to form and calls for
8 speculation.

9 THE WITNESS: I'm not sure what you mean by issue.

10 MR. FERRI: Q Well, do you have any reason to
11 think that Delta couldn't figure that out?

12 MR. FORTIN: Object to form, calls for speculation.

13 THE WITNESS: I think that we might be able to, but
14 I don't know that I have that skill.

15 MR. FERRI: Q Do you have any idea of
16 approximately the average pay for a ground non-contract
17 employee at Delta?

18 MR. FORTIN: Objection, calls for speculation.

19 THE WITNESS: I have no idea what the average is,
20 no.

21 MR. FERRI: Q Sure. I guess what I'm really
22 trying to figure out is if somebody worked a shift of
23 additional time, what -- what the pay for that shift
24 would possibly look like for a ground non-contract

Page 70

1 employee, would generally look like?

2 MR. FORTIN: Objection, hypothetical, calls for a
3 speculation.

4 THE WITNESS: Very hypothetical question. I can't
5 answer that.

6 MR. FERRI: Q Yeah, okay. Yeah, I'm sure it's a
7 range, right?

8 A Correct.

9 Q You know, do you think it's a range sort of
10 generally between -- you know, it could be anywhere from
11 50 to a thousand dollars, within that range?

12 MR. FORTIN: Objection, calls for speculation.

13 THE WITNESS: I have no idea.

14 MR. FERRI: Q Sure. I'm going to introduce
15 another exhibit here.

16 A Oh, sorry.

17 Q This is Exhibit 7. Ends in a Bates No. with
18 004859. Or has a Bates No. ending 004859. I'm sorry
19 (Document marked as Barnwell Deposition
20 Exhibit 7 for identification.)

21 Q Please let me know once you've had a chance to
22 look at this document.

23 A Okay.

24 Q Would you look at the third e-mail down, the

Page 71

1 e-mail from yourself to Lukas Goodyear on January 13th,
2 2022.

3 A Yes.

4 Q Do you see that e-mail?

5 A I do.

6 Q And you know Lukas Goodyear is the plaintiff in
7 this case I assume?

8 A Yes.

9 Q And in there you say, Lukas, in our town hall
10 meetings in an FAQ we did discuss how the employee's
11 hourly rate is determined, but I'll be happy to share
12 again. Annual salary divided by 2,080 hours equals
13 hourly rate. Do you see that?

14 A Yes.

15 Q What does that 2,080 refer to?

16 A In the next line down, 40 hours a week times 52
17 weeks equals 2,080 hours.

18 Q And is that the amount of hours that a full-time
19 employee -- a full-time ground non-contract employee at
20 Delta works?

21 A On a regular schedule, yes.

22 MR. FORTIN: Objection, calls for speculation.

23 MR. FERRI: Q I just want to make sure we're
24 using -- or the terminology's not confused. But

Page 72

1 regularly scheduled versus irregularly scheduled or do
2 you just mean that's how much a full-time employee's
3 general schedule is?

4 MR. FORTIN: Objection, calls for speculation.

5 MR. FERRI: Q Does that make sense?

6 A 40 hours times 52 weeks is an industry standard
7 calculation for yearly hours worked.

8 Q I believe Mr. Goodyear was on an irregular
9 schedule, but he was still given 2080; is that your
10 understanding?

11 A He was on --

12 MR. FORTIN: I'm sorry. Objection, lacks
13 foundation.

14 THE WITNESS: He was on an irregular schedule. I
15 don't know if he was guaranteed or scheduled for 2080
16 hours.

17 MR. FERRI: Q Are employees on irregular schedules
18 generally scheduled for 2080 -- 2,080 hours a year?

19 MR. FORTIN: Objection, calls for speculation, lack
20 of foundation.

21 THE WITNESS: Irregular schedules or rotations may
22 not equal 2080 hours exactly.

23 MR. FERRI: Can we take just like a one-minute
24 break? I just want to get this exhibit in here.

Page 73

1 MR. FORTIN: Sure.

2 THE VIDEOGRAPHER: Please standby. Going off record
3 at 12:15 p.m.

4 (Recess was taken.)

5 THE VIDEOGRAPHER: We are back on record at 12:19
6 p.m. You may proceed.

7 MR. FERRI: Q I introduced what's marked as
8 Exhibit 8, and this is a document beginning with the
9 Bates No. ending in 00312.

10 (Document marked as Barnwell Deposition
11 Exhibit 8 for identification.)

12 Q Do you see that document, Ms. Barnwell?

13 A It's coming up.

14 MR. FORTIN: We're getting it on the screen. You
15 know, just a second. Okay. It took us a second to
16 refresh. Okay. All right, we got it.

17 MR. FERRI: Q Do you recognize this as the Hours
18 of Work document we've discussed a couple times
19 throughout this deposition?

20 A I do.

21 Q At the bottom of that first page there, do you
22 see where it says full-time work schedule includes 2,080
23 scheduled working hours in the year?

24 A I do.

Page 74

1 Q Okay. And so, again, does that apply to
2 employees on both a regular schedule and employees on an
3 irregular schedule?

4 MR. FORTIN: Objection, calls for speculation.

5 THE WITNESS: Regular scheduled employees, five
6 and -- five days on, two days off, or four 10-hour days
7 on, three days off, would indeed for 52 weeks reach
8 2,080 hours. Employees on irregular schedules may not
9 reach 2,080 exactly.

10 MR. FERRI: Q But they'd still be full-time
11 employees potentially?

12 A Yes.

13 Q Okay. And for employees on a regular, with an
14 R, schedule, if they worked hours in excess of that
15 2,080, so say they worked 2,090 hours, should they be
16 paid overtime for those excess hours?

17 MR. FORTIN: Objection, calls for speculation,
18 hypothetical.

19 THE WITNESS: Without knowing were those additional
20 hours worked at Delta's request or were they hours
21 worked due to a swap, I can't answer that question.

22 MR. FERRI: Q What do you mean by at Delta's
23 request versus due to a swap?

24 A If Delta asked an employee to work an additional

Page 75

1 shift and they've met their weekly threshold, then we
2 are asking them to work and, therefore, we would apply
3 the overtime rules appropriately.

4 Q And how does Delta ask somebody to work?

5 MR. FORTIN: Objection, calls for speculation.

6 THE WITNESS: There are various, various ways of
7 doing that.

8 MR. FERRI: Q I just mean if somebody picks up an
9 extra shift that's not part of a swap, does that mean
10 that they're doing that at Delta's request based on sort
11 of what your -- the terminology you were using?

12 A If Delta posts or Delta asks, yes.

13 Q And so -- But you said if it's -- if they work
14 over 2,080 because of a swap, then they would not be
15 entitled to overtime; is that what -- Am I capturing
16 what you said correctly?

17 MR. FORTIN: Objection, misstates testimony. Object
18 to form.

19 THE WITNESS: Swaps do not count for overtime.

20 MR. FERRI: Q So if the reason somebody goes
21 over -- a regularly scheduled employee works over 2,080
22 hours is simply because they picked up a swapped shift,
23 you're saying they should not be paid overtime rates for
24 that -- those excessive hours, is that right, or excess

Page 76

1 hours?

2 MR. FORTIN: Object to form and misstates testimony.

3 THE WITNESS: Again, if those additional hours were
4 due to picking up a swap, the overtime rules do not
5 apply.

6 MR. FERRI: Q But if they were due to picking up
7 time at Delta's request, they do apply; is that right?

8 MR. FORTIN: Object to form and misstates testimony.
9 And calls for speculation.

10 THE WITNESS: It could be a hypothetical, but, yes,
11 they would be or could be paid overtime.

12 MR. FERRI: Q Is there any other instances in
13 which they would not be paid overtime that you can think
14 of?

15 MR. FORTIN: Objection, calls for speculation.

16 THE WITNESS: Not that I'm aware of.

17 MR. FERRI: Q Do you know who drafted this
18 document?

19 A I have no idea, sir.

20 Q To your knowledge, has this document been around
21 since 2017?

22 A I have no idea. It's dated August 22nd.

23 Q Were you familiar with this -- When did you
24 become familiar with this document?

Page 77

1 A I can't tell you when the first time I saw this
2 document.

3 Q Have you known about it since you took your
4 role -- your current role as the senior HR coordinator I
5 believe?

6 A Yes.

7 Q Did you know about it -- Or were you familiar
8 with this document before that?

9 A I'm sure I referred to it in the past.

10 Q Do you understand it to be a contract?

11 MR. FORTIN: I'm going to object to form and calls
12 for a legal conclusion.

13 THE WITNESS: Absolutely no, it is not a contract in
14 my opinion.

15 MR. FERRI: Q Is there somebody within Delta or
16 sort of in charge of maintaining this document?

17 A Yes.

18 Q Who is that?

19 A A specific person I cannot tell you.

20 Q What group?

21 A I think it's --

22 MR. FORTIN: I was going to say, calls for
23 speculation.

24 THE WITNESS: I don't know exactly, sir.

Page 78

1 MR. FERRI: Q What -- Well, what were you going to
2 potentially say?

3 A My -- in my opinion, it would be a combination
4 between HR Payroll and Legal to make sure everything is
5 compliant.

6 Q Where is the Delta Legal Department based
7 geographically?

8 A Atlanta, Georgia.

9 Q And do you know where the HR Payroll Department
10 is based geographically?

11 A There are people in Atlanta. There are people
12 in other areas.

13 Q If you felt like a change was needed to this
14 document, who would you raise that with?

15 A My leader.

16 Q And I think you've told me his or her name
17 before, but can you remind me of that?

18 A My direct manager is Allison Bryant.

19 Q And why would you raise that with her?

20 MR. FORTIN: Objection, hypothetical.

21 THE WITNESS: That's where the normal chain of
22 information would go.

23 MR. FERRI: Q Do you think that she would raise
24 the issue with somebody else who would be in charge of

Page 79

1 maybe making that change in the document?

2 MR. FORTIN: Objection, calls for speculation.

3 THE WITNESS: I assume she would.

4 MR. FERRI: Q Do you know who that might be?

5 A I would assume that it would be her manager.

6 Q Which is who?

7 A Cheryl Gray.

8 Q Okay. And then do you know who Cheryl Gray
9 might raise it with or do you think Cheryl Gray would
10 have the power to sort of do that change herself?

11 MR. FORTIN: Objection, calls for speculation.

12 THE WITNESS: I don't know the process above what
13 Cheryl would do.

14 MR. FERRI: Q Are employees informed -- Or let me
15 ask it a different way. Are ground non-contract
16 employees at Delta informed of this Hours of Work
17 document?

18 MR. FORTIN: Objection, form and calls for
19 speculation.

20 THE WITNESS: I have no idea, sir.

21 MR. FERRI: Q Is it shared with employees in any
22 way?

23 A The policies are on DeltaNet, and DeltaNet is
24 available to the employee.

Page 80

1 Q And how would employees know to go to DeltaNet
2 to look at this document?

3 MR. FORTIN: Objection, calls for speculation.

4 THE WITNESS: I would assume leadership would have
5 directed them or the employee would search the document,
6 search DeltaNet.

7 MR. FERRI: Q Do you think the ground non-contract
8 employees should -- should fairly expect to be paid in
9 accordance with this document?

10 MR. FORTIN: Objection, calls for speculation.
11 Object to form.

12 THE WITNESS: I would -- I would believe that
13 employees that read this document would be able to
14 determine if they were paid correctly.

15 MR. FERRI: Q Besides this document, is there
16 another way in which employees are informed of when they
17 will receive overtime or double time pay rates?

18 MR. FORTIN: Objection, calls for speculation.

19 THE WITNESS: I'm not aware of another written
20 document.

21 MR. FERRI: Q The circumstances in which an
22 employee will receive overtime or double time rates is
23 something that's probably important to most ground
24 non-contract employees; is that fair to say?

1 MR. FORTIN: Objection, calls for speculation.

2 THE WITNESS: I would say most employees are
3 concerned with getting a paycheck.

4 MR. FERRI: Q Would you say they would like to
5 know when that paycheck would include overtime and
6 double time pay?

7 MR. FORTIN: Objection, calls for speculation.

8 MR. FERRI: Q I mean, I can rephrase it if you'd
9 like. I'm not trying to -- I think you see what I'm --
10 What I'm getting at is, people generally want to know
11 like what they have to do to get overtime rates, right?

12 MR. FORTIN: Objection to form and calls for
13 speculation.

14 THE WITNESS: I don't assume what the employee
15 knows.

16 MR. FERRI: Q Sure. Let me ask it -- Do you think
17 that Delta ground non-contract employees understand that
18 this is the document that tells them the circumstances
19 in which they can receive overtime or double time pay?

20 MR. FORTIN: Objection, calls for speculation.

21 THE WITNESS: I would assume that they would.

22 MR. FERRI: Q Can you -- can you look at page 12
23 of this document. You know, we call that bold number in
24 the bottom right-hand corner of the document the Bates

Page 82

1 No. And so for that, it would be the one ending in 323.

2 Let me know when you're there please. Well,
3 actually, you can go up to the page before that, page
4 11, with the Bates No. ending in 322 please.

5 A I'm there.

6 Q Okay. So do you see where it says OVERTIME
7 DEFINED - IRREGULAR SCHEDULE (ONLY IN APPROVED
8 STATIONS)?

9 A No, I'm sorry, I'm not seeing that.

10 Q It's on page 11, the Bates ending number in 322.

11 A 322. 322.

12 Q It's about two-thirds of the way down the page
13 in bold capitals.

14 A Yes. Sorry. Now I'm with you.

15 Q No problem. So this is -- this is defining
16 overtime for irregular schedules, right?

17 A Correct.

18 Q And it says, irregular schedules must be
19 approved and must equal to 2,080 scheduled working hours
20 a year for full-time employees. Do you see that?

21 A I do.

22 Q Does that make you rethink your answer about
23 how -- hours for people on irregular schedules?

24 A No, it does not. And, again, it's based on a

Page 83

1 rotation and it potentially could be a shift below or a
2 shift over.

3 Q What does it mean by must be approved and must
4 equal the 2,080 scheduled hours?

5 A Well, to make sure that the shift is not
6 completely out of compliance, the shifts are reviewed.
7 The schedules are reviewed.

8 Q Well, I guess I'm just -- Here it says,
9 irregular schedules must be approved and must equal to
10 2,080 scheduled working hours. Is that not true in
11 practice?

12 MR. FORTIN: Object to form. And calls for
13 speculation.

14 THE WITNESS: Again, sir, there is -- based on the
15 number of days in the rotation, there is the potential
16 that it may be one shift below 2,080 or a shift over
17 2,080.

18 MR. FERRI: Q So that sentence there is not --
19 does not necessarily reflect how Delta determines
20 full-time status for irregularly scheduled employees in
21 practice; is that right?

22 MR. FORTIN: Object to form and calls for
23 speculation.

24 THE WITNESS: We would not penalize an employee if

Page 84

1 their scheduled -- irregular scheduled was a little less
2 than 2,080.

3 MR. FERRI: Q So if it was -- Sorry. If it was a
4 little less than 2,080, that would still be like the
5 scheduled hours for any overtime determinations; is that
6 right?

7 A Scheduled hours?

8 Q Well, you're saying it may be one shift less for
9 irregularly scheduled employees. So what would that be?
10 Maybe 2,072 hours?

11 A Irregular schedules can vary between eight, 10
12 or 12-hour shifts.

13 Q Sure. So it could be 2,072 hours; is that what
14 you're saying?

15 MR. FORTIN: Object to form and misstates testimony.

16 THE WITNESS: Yes.

17 MR. FERRI: Q And that could be the full-time --
18 that could be the scheduled yearly hours for a full-time
19 employee on an irregular schedule, is that right,
20 hypothetically?

21 A Hypothetically, yes.

22 Q Okay. And if they worked 2,080 hours then, they
23 would then be working eight hours in excess of their
24 yearly regular schedule, right, or their yearly

Page 85

1 schedule; is that right?

2 MR. FORTIN: Object to form, calls for -- calls for
3 speculation, lack of foundation.

4 THE WITNESS: I would have no way of answering that
5 without seeing the schedule.

6 MR. FERRI: Q Well, I'm just saying. You're
7 saying there could be an employee who's on an irregular
8 schedule who was scheduled for 2,072 hours a year; is
9 that correct?

10 A Correct.

11 Q Okay. So if that employee ended up working
12 eight additional hours, they would then work 2,080 hours
13 a year, right?

14 A Correct.

15 Q And would -- If they picked up those eight
16 additional hours at Delta's request, would they be paid
17 overtime for those hours?

18 MR. FORTIN: Object to form, calls for speculation,
19 lacks foundation.

20 THE WITNESS: And we've also answered this before.
21 If it was at Delta's request, it would be paid
22 appropriately and that could be at overtime.

23 MR. FERRI: Q Okay. And if you go down to the
24 next page, this will be page 12, 12 of 32 in the bottom

Page 86

1 right-hand corner.

2 A Where on the page?

3 Q I'm looking in -- at the top there, which is
4 WEEKLY OVERTIME in all capital letters. Do you see
5 that?

6 A Yes, sir.

7 Q It says, for full-time employees working on an
8 irregular schedule, weekly overtime is the time required
9 to be worked on scheduled days off provided the
10 scheduled days had been worked during the preceding work
11 period exclusive of daily overtime. Do you see that?

12 A Yes, sir.

13 Q What do you understand work period to mean
14 there?

15 A Work period is defined as your first day of
16 scheduled work through your last off day.

17 Q Of a year?

18 A Weekly overtime is the required work period.
19 This is -- We're not talking over a year. We're talking
20 weekly overtime.

21 Q Is that a pay period or is that different?

22 A Pay periods and work -- Pay periods are defined
23 and work periods are based on the employee's schedule.

24 Q So I want to go through a few different

Page 87

1 scenarios here looking at that sentence we just read.

2 If an employee just works their scheduled hours
3 and then they picked up an extra -- an additional shift
4 at Delta's request, there are no swaps, they should get
5 overtime pay for that additional shift, right?

6 MR. FORTIN: Object to form and calls for
7 speculation.

8 THE WITNESS: In your example, if they have worked
9 their scheduled hours in their work period and pick up a
10 shift at Delta's request, it would be paid at overtime.

11 MR. FERRI: Q When it says preceding work period,
12 what does preceding work period mean? Does that just
13 mean the work period or it just means something else?

14 A It -- The work period is defined as the first
15 day of work, scheduled work, through the last off day.
16 So it's saying in that preceding, those days before the
17 off days, did they work their schedule.

18 Q For employees on an irregular schedule, are
19 their work periods tracked by Delta in some way?

20 MR. FORTIN: Object to form and calls for
21 speculation.

22 THE WITNESS: I'm not sure what you mean by tracked.

23 MR. FERRI: Q Well, how does Delta know what their
24 work periods are like for the purposes of calculating

Page 88

1 overtime?

2 MR. FORTIN: Object to form and calls for
3 speculation.

4 THE WITNESS: In the MyTime system, MPS system, any
5 of the other systems that we have, their schedules are
6 loaded. And so, yes, we know what their scheduled days
7 are.

8 MR. FERRI: Q All right. So going back to that
9 first sentence there, starting with for full-time
10 employees working on an irregular schedule, I want to go
11 through a scenario where somebody picks up a shift as
12 part of a swap.

13 So they worked all their scheduled days and
14 then during that same work period they pick up a shift
15 as a swap, they swap on to another employee's shift.
16 Should they get overtime pay for that swap-on shift?

17 A No.

18 MR. FORTIN: I'm sorry. Object to form and calls
19 for speculation.

20 THE WITNESS: And no.

21 MR. FERRI: Q And why not?

22 A Swaps do not count for overtime.

23 Q And why don't -- why doesn't Delta pay
24 overtime --

Page 89

1 MR. FORTIN: Object to form.

2 MR. FERRI: -- for swaps?

3 MR. FORTIN: Sorry, were you done?

4 MR. FERRI: Q Why doesn't Delta pay overtime for
5 swaps?

6 MR. FORTIN: Object to form and calls for
7 speculation.

8 THE WITNESS: A swap is between two employees and
9 Delta is not involved if employee A asked employee B to
10 work their shifts. And Delta does not -- is not
11 involved.

12 MR. FERRI: Q Do you know why -- the reasoning
13 behind Delta not paying overtime instances of swaps is?
14 Do you know the logic behind that? Do you know the
15 basis for that?

16 MR. FORTIN: Object to form and calls for
17 speculation.

18 MR. FERRI: Q Let me rephrase it so I'm just
19 asking you one question. Do you know any reasoning
20 behind for Delta not paying overtime in instances of
21 swaps?

22 MR. FORTIN: Objection, calls for speculation.

23 THE WITNESS: Again, a swap is between two
24 individual employees and Delta is not involved.

Page 90

1 MR. FERRI: Q So I want to go through a third
2 scenario here with that same sentence beginning with for
3 full-time employees working on an irregular schedule.

4 So in this scenario, a person -- the employee
5 works all but one of their scheduled days and then they
6 swap off for that last scheduled day, it's worked by
7 their fellow employee, and then original employee picks
8 up an extra shift at Delta's request. Should he be paid
9 overtime for that extra shift at Delta's request?

10 MR. FORTIN: Object to form and calls for
11 speculation.

12 THE WITNESS: No.

13 MR. FERRI: Q And why not?

14 A Because they did not work their scheduled shift.

15 Q And looking at that first sentence here,
16 beginning with for full-time employees working an
17 irregular schedule, do you see where it says weekly
18 overtime is the time required to be worked on scheduled
19 days off provided the scheduled days have been worked
20 during the preceding work period?

21 A Yes.

22 Q So in the scenario I just gave, those scheduled
23 days had been worked, right, just one shift was worked
24 by another employee; is that how you understood it?

Page 91

1 A No.

2 MR. FORTIN: Object to form and hypothetical.

3 MR. FERRI: Q And why not?

4 A Because all of the scheduled days were not
5 worked.

6 Q Well, that -- I guess to be clear, in the
7 scenario I gave, another employee worked the swapped-off
8 shift. So it was worked.

9 A It was not worked by the employee that swapped
10 off.

11 Q And where does it say that it must be worked by
12 the employee that swapped off, if anywhere?

13 A I believe the sentence, provided the scheduled
14 days have been worked during the preceding period,
15 applies to the employee that swapped off, and he did not
16 work all of his scheduled days.

17 Q What's your basis for that belief?

18 A Reading the policy.

19 Q This policy?

20 A Correct.

21 Q What in that policy informs that belief, if
22 anything?

23 A It explains that weekly overtime is -- what
24 weekly overtime is, and it clearly states that all the

Page 92

1 schedule -- excuse me, provided the scheduled days had
2 been worked during that preceding work period. Swapping
3 off a day means that the employee did not work their
4 scheduled days, all of their scheduled days, in the
5 preceding work period.

6 Q In that last scenario I gave where they swapped
7 off and then they worked an additional shift at Delta's
8 request, assuming that they also swapped on and that the
9 swaps neutralized each other, why doesn't working an
10 additional shift entitle them to overtime?

11 MR. FORTIN: Objection, calls for speculation.

12 THE WITNESS: Our policy says swaps do not count for
13 overtime.

14 MR. FERRI: Q Let's go to page 4 of that document
15 please.

16 MR. FORTIN: 4 of 32 in the bottom right hand?

17 MR. FERRI: Yes.

18 THE WITNESS: I have 34.

19 MR. FORTIN: Oh, yeah. No, it's just the cover
20 sheet.

21 THE WITNESS: Okay.

22 MR. FORTIN: There we go. That's good. Okay.

23 MR. FERRI: Q Do you see the section titled Swaps
24 in bold there?

Page 93

1 A Yes, sir.

2 Q A few sentences in do you see where it says,
3 swaps do not count towards OT thresholds, so swapping
4 should never put an employee into an overtime eligible
5 situation?

6 A Yes, sir.

7 Q Is that the part of the policy you were just
8 referring to?

9 A Yes, sir.

10 Q Okay. And what does so swapping should never
11 put an employee into an overtime eligible situation mean
12 to you?

13 A I'm sorry, are you asking what it means to me?

14 Q Yes.

15 A It means to me that if an employee swaps and
16 works more than their scheduled weekly hours, that those
17 swaps do not count for overtime.

18 Q Go to page 6 please. Actually, sorry, page 7.
19 And this is -- ends in Bates No. 318.

20 MR. FORTIN: That may be easier for her to read on
21 the screen, Dan, if you give the Bates Nos.

22 MR. FERRI: Yeah, sorry.

23 MR. FORTIN: Yeah, no worries.

24 MR. FERRI: Tough -- You know, tough decision.

Page 94

1 This is OVERTIME DEFINED, slash, or dash,
2 REGULAR SCHEDULE. Do you see that?

3 A Yes.

4 Q Do you see that? Okay. This section defines
5 how overtime is calculated for employees on their
6 regular schedule; is that right?

7 A Correct.

8 Q And if you go down, do you see where it says in
9 bold Weekly Overtime? Same page.

10 A I see the header, yes.

11 Q Yeah. And, unfortunately, this gets cut off a
12 little bit here. But you can see at the start of the
13 next page there's a sentence that says, weekly overtime
14 for a regularly -- regular scheduled employee is time
15 actually worked in excess of 40 hours exclusive of daily
16 overtime during any workweek. Do you see that?

17 A Yes.

18 Q Okay. And the next sentence says, effective
19 May 1st, 2014 scheduled time not actually worked within
20 a workweek will count as time worked for purposes of
21 calculating overtime. Do you see that?

22 A I do.

23 Q What does that sentence mean to you?

24 A It means that if you take a liability, a

Page 95

1 vacation day, a PPT day, a holiday, in your work period,
2 that is considered work -- work time for calculating
3 overtime.

4 Q And what if you swapped off?

5 A Swaps do not count for overtime.

6 Q But that would be scheduled time not actually
7 worked within a workweek, right?

8 MR. FORTIN: Objection, misstates testimony.

9 MR. FERRI: Q I could rephrase if you'd like.
10 Would you like me to rephrase it?

11 A Sure.

12 Q A swap-off would be scheduled time not actually
13 worked within a workweek, correct?

14 A It is a day that was scheduled that the employee
15 elected to work with another employee and take the day
16 off. And, no, swaps do not count for overtime.

17 Q I'm asking one question here. Is a swap-off
18 scheduled time not actually worked within a workweek?

19 A It is -- It was a scheduled day that the
20 employee did not work.

21 Q And nowhere in this sentence does it say -- the
22 sentence here on page 8 that starts with effective
23 May 1st, 2014, nowhere does it say there that that's not
24 referring to swap-offs, right?

Page 96

1 A Correct. The word swap-off is not in that
2 sentence.

3 MR. FERRI: All right. No further questions.

4 MR. FORTIN: Okay. Do you mind if we take a quick
5 break so I can decide if I have any follow-up?

6 MR. FERRI: Yes, or I do not mind.

7 THE VIDEOGRAPHER: Please standby. We are going off
8 record at 12:58 p.m.

9 (Recess was taken.)

10 THE VIDEOGRAPHER: Good afternoon. We are back on
11 record at 1:00 o'clock p.m. You may proceed.

12 MR. FORTIN: Thank you. And we have no questions
13 either. So we're ready to conclude.

14 THE VIDEOGRAPHER: All right. We are going off
15 record at 1:00 o'clock p.m. and concludes today's
16 testimony. Master media will be retained by Veritext
17 Legal Solutions. Thank you all.

18

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Page 97

1 STATE OF ILLINOIS)

) SS:

2 COUNTY OF C O O K)

3 The within and foregoing deposition of the
4 aforementioned witness was taken before NADINE J.
5 WATTS, CSR, RPR, and Notary Public, at the place, date
6 and time aforementioned.

7 There were present during the taking of the
8 deposition the previously named counsel.

9 The said witness was first duly sworn and was
10 then examined upon oral interrogatories; the questions
11 and answers were taken down in shorthand by the
12 undersigned, acting as stenographer and Notary Public;
13 and the within and foregoing is a true, accurate and
14 complete record of all of the questions asked of and
15 answers made by the forementioned witness, at the time
16 and place hereinabove referred to.

17 Before completion of the deposition, review of
18 the transcript { } was {X} was not requested. If
19 requested, any changes made by the deponent (and
20 provided to the reporter) during the period allowed are
21 appended hereto.

22 The undersigned is not interested in the
23 within case, nor of kin or counsel to any of the
24 parties.

Page 98

1 Witness my official signature and seal as
2 Notary Public in and for Cook County, Illinois on the
3 31st day of March, A.D. 2025.

4 
5

6 NADINE J. WATTS CSR, RPR

7 Notary Public

8 License No. 084-002736

9 One North Franklin Street

10 Suite 2100

11 Chicago, Illinois 60606

12 Phone: (312) 442-9087

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[& - 4]

Page 1

&	061 52:13 084-002736 98:6	2,080 71:12,15 71:17 72:18 73:22 74:8,9 74:15 75:14,21 82:19 83:4,10 83:16,17 84:2 84:4,22 85:12	2100 98:7 22nd 52:5 76:22 25 3:8 7:8 27:12 28:4 2500 2:12 26 3:2
& 14:3,4,11,14 15:6,24 16:3 16:10,15 17:4 18:14,16 26:11	1		
0	1 3:8 25:1,9,12 54:12 1-14-22 4:5 10 2:5 21:9 65:17 68:6 74:6 84:11 10,000 20:13,20 1075 2:11 10:02 1:17 5:2 11 9:17 82:4,10 11-16-17 3:15 11:06 41:11 12 81:22 84:12 85:24,24 12:15 73:3 12:58 96:8 12th 26:6 13th 71:1 14th 7:3 16th 36:12 1985 7:3 1:00 96:11,15 1:23 1:7 5:8 1st 94:19 95:23	2,090 74:15 20 65:17 2009 7:11 9:18 2012 9:10 2014 94:19 95:23 2015 9:10 2016 11:15 2017 11:7 36:12 37:3 43:6 76:21 2018 34:7 2020 9:18 42:1 45:3 2021 13:6,20 26:7 41:21 47:3 52:6 57:21 2022 57:22 71:2 2025 1:18 3:2 5:2 98:3 2080 72:9,15,18 72:22 20805 98:5 21 9:21,23 42:1	26th 1:17 5:2 27587 6:13 2820 6:12 2s 35:1
			3
			3 3:13 34:11 35:17,20 3-1-22 3:23 30309 2:12 312 98:8 312-9991 2:6 318 93:19 31st 98:3 32 28:4,14 85:24 92:16 322 82:4,10,11 82:11 323 82:1 33 3:11 34 92:18 35 3:13 3s 35:3,7
	2		4
00312 73:9 00443 25:10 00463 33:20 004728 55:18 004859 70:18 70:18 00654 35:18 00709 46:17 00792 51:21 008 52:13 05712 1:7 5:8	2 3:11 33:19,22 2,072 84:10,13 85:8	20805 98:5 21 9:21,23 42:1	4 3:16 46:17,19 50:13 92:14,16

[40 - answer]

Page 2

40 28:5,12 29:17 71:16 72:6 94:15 404 2:13 442-9087 98:8 46 3:16 4:43 47:3	8 8 4:6 57:13,14 73:8,11 95:22 855 2:6 885-1500 2:13 8:30 57:6,10	accurately 55:9 acquisition 18:20 acting 45:4,14 97:12 active 23:8 actual 31:21 actually 31:16 34:9 51:5 60:14 82:3 93:18 94:15,19 95:6,12,18 additional 19:2 28:8,9 29:6,10 29:14,16 30:2 30:3 69:23 74:19,24 76:3 85:12,16 87:3 87:5 92:7,10 address 6:11 14:15 addressing 26:20 31:23 administer 5:22 affect 50:19 51:2,14 affected 64:20 affiliations 5:13 aforemention... 97:4,6 afternoon 96:10	ago 65:16 air 1:8 2:18 5:6 5:17,19 airplanes 19:12 19:13 airport 7:5,8 24:18 al 5:5 aligning 42:3 allison 16:13 78:18 allow 62:3,8,15 62:16 allowed 32:11 33:7 57:21 62:6 63:3 97:20 alternatives 10:21,22,23 amount 30:13 37:22 54:8 71:18 annual 64:7 71:12 answer 18:24 20:6,8 32:20 40:23 42:19 44:2,3 46:9 48:3 51:16 55:9 61:8,17 61:24 64:9 65:1 66:16,17 66:17 70:5 74:21 82:22
5	9 9-22-21 3:21 90s 10:9		
50 70:11 51 3:19 52 71:16 72:6 74:7 55 3:22	a		
6	a.d. 1:18 98:3 a.m. 1:17 5:2 41:11,14 57:6 57:10 ability 30:16 61:4 able 20:6,7 25:13 28:6 67:15 69:13 80:13 above 33:13 79:12 absolutely 20:12,14 77:13 access 36:24 accessible 12:21 accordance 32:6,14 33:3 80:9 accurate 97:13		
7			
7 4:3 70:17,20 93:18 7-6-21 3:18 70 4:3 73 4:6			

[answered - basis]

Page 3

answered	19:24 28:5 61:23 66:15,24 85:20	attendance	34:7 41:13 51:5,9 56:2 65:15 73:5
answering	85:4	articulate	15:6,9,24 16:3
answers	97:11 97:15		16:10,15 17:5
anybody	46:11 46:13 67:16	asked	18:14,16 26:11
apologize	56:15		37:20 47:14,19
appeared	2:3,9	audit	27:15,17
appended	97:21		30:1 31:23
application	39:6		32:1 34:6,7
applied	65:5	asking	45:4,8
applies	49:17 91:15		august 76:22
apply	27:18,21 27:22 28:1 49:14 74:1 75:2 76:5,7		automated
applying	49:11 59:18		58:12,19 59:13
appreciate	51:17		65:3,5,8
appropriate	31:4,9 32:22		automatedly
appropriately	33:15 75:3 85:22		59:17
approved	82:7 82:19 83:3,9	assists	46:18,21 51:22
approximately	9:9 19:14,15		automatically
			55:19 56:11,13
			56:15 57:10
			70:19 73:10,12
		available	base 64:2
		46:21 79:24	based 17:3
		average 65:16 66:9 69:16,19	18:12 30:7,17
		aware 18:21 43:9,9 44:21	36:19 37:15
		46:14 59:3 76:16 80:19	39:5 50:9 64:7
			64:16 75:10
		b	78:6,10 82:24
		b 89:9	83:14 86:23
		back 9:15 10:4 11:16 13:5	basically 16:19
		30:11 32:11	21:6 28:18
			basing 60:4
			basis 36:23
			59:11 89:15
			91:17

[bates - chicago]

Page 4

bates 25:9 33:20 35:18 46:17 51:20 55:18 70:17,18 73:9 81:24 82:4,10 93:19 93:21 bear 24:22 55:14 bearing 5:8 beginning 73:8 90:2,16 begins 5:3 behalf 1:4 2:8 2:15 5:4,14,17 belief 91:17,21 believe 11:15 32:11 34:6 45:23 54:7 72:8 77:5 80:12 91:13 better 20:18 beyond 29:6,8 45:16 62:8 bid 53:2 big 23:16,19 bigger 56:6 bit 7:21 12:9 22:12 60:6 65:11 94:12 biweekly 22:10 22:16,18,24 23:9 50:18,20 50:23 51:1,13	blaze 2:18 5:18 bold 81:23 82:13 92:24 94:9 bottom 26:5 73:21 81:24 85:24 92:16 break 36:4 41:4 41:5,7,15 60:6 72:24 96:5 browser 34:4 bryant 16:13 78:18 building 24:15 business 26:14 50:8,9 bw 50:14,16 c c 97:2 calculate 30:1 calculated 41:23 58:17 59:4 60:8,15 94:5 calculates 8:8 calculating 41:17 42:12,22 45:14 60:20 87:24 94:21 95:2	calculation 43:13 50:6 72:7 calculations 47:22 49:11 58:18 call 81:23 called 6:2 8:21 52:15 calls 31:6,19 32:16 37:18 45:1 46:6 48:1 50:7 53:7,19 54:6,14 61:6 61:11 63:14 65:20 66:2,7 66:13,23 68:19 69:1,7,12,18 70:2,12 71:22 72:4,19 74:4 74:17 75:5 76:9,15 77:11 77:22 79:2,11 79:18 80:3,10 80:18 81:1,7 81:12,20 83:12 83:22 85:2,2 85:18 87:6,20 88:2,18 89:6 89:16,22 90:10 92:11 campus 24:14 24:16	capital 86:4 capitals 82:13 capturing 75:15 carolina 6:13 6:14,19,22 case 5:5,8 20:23 52:12 71:7 97:23 certain 11:21 12:10 21:19 30:13 chain 3:9,14,17 4:4 78:21 chance 46:22 55:21 70:21 change 50:21 63:22 64:13 78:13 79:1,10 changed 63:23 changes 17:22 97:19 characterize 14:5,6,9 charge 42:11 44:22 45:14 58:9 77:16 78:24 chase 15:20 cheryl 3:17,20 3:23 47:1 56:8 79:7,8,9,13 chicago 2:6 98:8
---	--	---	--

[chose - correctly]

Page 5

chose 45:7	company 14:17	consistency	coordinators
circumstances	compared	49:3,9	52:20
80:21 81:18	16:18	consistent	copied 47:5
civil 1:14	complaining	20:15 44:24	corner 81:24
clarity 51:18	31:15	45:5 49:5,13	86:1
class 5:15	complaint	consistently	corporate 15:9
clear 31:1	31:11,12,14,16	45:15	27:18
62:18 91:6	31:18,21 45:7	consolidates	correct 6:24
clearly 91:24	complete 29:2	8:13	7:1,14 8:17
clerk 7:5	45:8 97:14	context 27:6	9:19 11:5,6,8
clock 8:12	completed 26:3	50:17 58:2	13:8,10 15:2
clocks 12:6	completely	continued 4:1	15:17 22:24
closer 41:21	83:6	contract 15:21	23:1,3 28:14
code 50:5,5,9	completion	16:1 19:4,10	29:4,11,15
coded 49:16	97:17	19:16,21 20:10	30:5 33:1,5
59:19	compliance	20:21 21:1,16	36:13,21 37:5
coder 49:20	18:8 83:6	22:1,4 23:13	37:8 39:10
coding 49:17	compliant 78:5	37:3 61:2	40:3,11,14,17
49:19,21,23	computer 7:24	62:22 67:9,10	40:18 42:6
50:1	8:1 12:24	68:13 69:16,24	47:5,16 48:12
column 35:6	13:13	71:19 77:10,13	58:7 59:2,19
combination	concerned 54:8	79:15 80:7,24	59:20 60:24
78:3	57:18 81:3	81:17	62:20 63:6,10
combinations	concerns 14:15	contractor 7:16	64:19 70:8
21:13	conclude 96:13	7:18 9:13,16	82:17 85:9,10
come 19:1 24:7	concludes	13:6	85:14 91:20
42:16 65:12	96:15	control 46:3	94:7 95:13
comes 34:3	conclusion	convert 7:23	96:1
coming 36:2	77:12	cook 98:2	corrections
73:13	conducted 34:6	cool 41:8	12:16
commencing	confused 71:24	coordinator	corrective
1:16	considered	13:22 18:23	31:23
communication	21:15 95:2	52:24 53:1	correctly 27:22
56:23		77:4	27:24 28:2,11

[correctly - deltinet]

Page 6

32:18 45:9,11 58:22 65:5,9 75:16 80:14 counsel 2:2 5:12,19,21 97:8,23 count 65:10 75:19 88:22 92:12 93:3,17 94:20 95:5,16 county 97:2 98:2 couple 73:18 court 1:1 5:7 5:11,22 10:13 courts 1:15 cover 92:19 covid 27:12,20 28:3,12,21 30:16 32:8,9 32:10 created 56:19 creates 12:15 creating 57:22 58:1 crew 19:12 27:2,4,7,12 28:13 29:23 39:17,20,22,24 40:8,12,19 41:16,16 44:8 45:4 47:7,10 47:13 52:9,14 52:17 63:7	csr 1:13 97:5 98:5 current 77:4 currently 13:23 customer 7:8 cut 15:20 94:11 cv 1:7 5:8	92:3 95:1,1,14 95:15,19 98:3 daylight 1:17 days 21:9,9,10 21:10,13 74:6 74:6,6,7 83:15 86:9,10 87:16 d	12:24 13:9,11 14:2,2,6,9 15:7 15:8,11,12,16 19:9,15 20:11 20:21 21:7 23:14 27:13 33:12 37:22 38:3 39:6 41:22 42:7 44:12,23 45:21 48:2,5,10,14,18 48:24 58:24 59:22 60:7,13 60:20 61:5 62:5,15,16,22 66:22 67:20 68:13 69:11,17 71:20 74:24 75:4,12,12 77:15 78:6 79:16 81:17 83:19 87:19,23 88:23 89:4,9 89:10,13,20,24 delta's 23:16 24:11 42:3 47:21 74:20,22 75:10 76:7 85:16,21 87:4 87:10 90:8,9 92:7 deltinet 42:10 43:23 79:23,23 80:1,6
	d.r. 56:11,13 57:9 daily 36:23,24 59:1 86:11 94:15 dairy 6:12 dan 3:20 5:14 13:16 25:20 36:2 52:4 57:7 64:12 93:21 daniel 2:4 3:5 danielle 2:11 dash 94:1 data 18:18 36:19 37:15 date 47:2 97:5 dated 3:10,15 3:18,21,23 4:5 76:22 dates 9:8 day 1:17 17:7,7 18:24,24 21:9 21:9 53:3 54:12 86:15,16 87:15,15 90:6	90:5,19,19,23 91:4,14,16 92:1,4,4 dearborn 2:5 debra 1:12 3:1 6:1,10 decide 43:23 96:5 deciding 39:8 decision 48:20 93:24 defendant 1:9 2:15 5:17 define 19:8 defined 21:8 82:7 86:15,22 87:14 94:1 defines 94:4 defining 82:15 delta 1:8 2:18 3:8,11,13,16,19 3:22 4:3,6 5:6 5:17,19 6:22 6:24 7:2,4,12 9:2,5 11:3,11 11:13,16,20	

[demonstrating - dollars]

Page 7

demonstrating	69:6	different	12:7,7	doc	35:12
57:15		12:16,17	21:12	docking	35:13
department	40:8 44:9,12	31:2	34:3	document	
8:14,16 14:2,5	44:22 58:6,10	35:16	37:23	22:12	24:22
14:8 28:6,13	58:10,11,22	56:18	59:12	25:6,11,14,16	
32:11,13 38:4	59:11 84:5	79:15	86:21,24	33:20,21	34:9
39:7,13,20,23	determine 31:8	differential	4:7	35:8,17,19,22	
40:8,19 45:17	32:5 39:1	differently		35:23,24	36:3
46:1 52:13	68:21 69:4	53:16	64:21	38:2	41:3
57:13,14,21	80:14	direct	78:18	43:17	44:16,24
78:6,9	determined	directed	28:3	45:5,15,19	
department's	29:13,20 40:17	80:5		46:17,18,20,22	
39:5	58:19 68:24	directions	50:5	51:20,22,24	
departments	71:11	discrepancies		55:18,19,22	
26:17 46:4	determines	58:9,16	59:3	58:2	59:24
52:9,12 61:14	83:19	discuss	71:10	60:11	70:19,22
depend 22:19	determining	discussed	50:24	73:8,10,12,18	
depends 30:13	39:23 40:1	51:12	60:4	76:18,20,24	
deponent 97:19	development	73:18		77:2,8,16	
deposition 1:12	7:19	discussion		78:14	79:1,17
2:2 3:1,8,11,13	deviate 32:21	57:23		80:2,5,9,13,15	
3:16,19,22 4:3	deviated 32:23	district	1:1,1	80:20	81:18,23
4:6 5:4 24:24	41:22	1:15	5:6,7	81:24	92:14
25:11 33:21	dferri 2:7	divided	16:19	documents	
35:19 46:18	dicellalevitt.c...	71:12		43:23	50:9,10
51:22 55:19	2:7	division	1:2 5:8	doing	15:15
70:19 73:10,19	dicello 2:3	13:2	14:1,5,8	26:19	37:10
97:3,8,17	dicellolevitt.c...	14:10	18:17	42:13	43:12,12
depositions	2:7	divisions	11:22	45:21	46:5
1:16	differ 11:23	12:8,17,19,20		47:22	49:11
designated	12:2,10 13:2	15:10,11	21:19	58:5,9	65:2
18:5	22:6,15	21:20	26:18	75:7,10	
determination	difference 64:1	61:13,14		dollars	70:11
40:15,20 59:17	65:3				

[double - examined]

Page 8

double 27:11 27:20 30:12,17 30:20 31:5,10 32:14 33:10 34:23 39:9 40:1,16,21 41:17,23 42:4 42:8,12,23 43:11 44:10 49:5 58:17 59:12,22 60:8 60:14,20 80:17 80:22 81:6,19 drafted 76:17 dshapiro 2:14 dt 34:23 36:18 36:24 37:14 40:9 due 27:12 74:21,23 76:4 76:6 duly 6:2 97:9 duncan 2:19 5:9 durham 7:5	56:5,7,10,20 57:8 70:24 71:1,4 early 3:15 10:9 36:9,16 37:14 46:12 easier 93:20 eastern 1:17 ebis 10:12,15 effective 94:18 95:22 eight 20:16,19 21:8 84:11,23 85:12,15 either 8:12 19:1 96:13 elected 11:22 95:15 eligible 93:4,11 emp 34:10,13 employee 6:18 12:22 14:15 16:23 17:1,12 17:18 19:10 22:20 32:2 33:7 34:12,14 53:10 63:20 65:17 67:9,10 68:18 69:17 70:1 71:19,19 74:24 75:21 79:24 80:5,22 81:14 83:24 84:19 85:7,11	87:2 89:9,9 90:4,7,7,24 91:7,9,12,15 92:3 93:4,11 93:15 94:14 95:14,15,20 employee's 29:24 71:10 72:2 86:23 88:15 employees 6:21 8:15 12:23 13:1 14:17 15:7,8,22 16:1 17:20 18:10 19:2,4,9,15,16 19:21 20:10,21 21:1,16,21,24 22:1,4,23 23:6 23:9,14,22 24:20 26:21 27:23 28:4,7 28:10,13 42:20 61:2 62:5,15 62:16,22 68:13 72:17 74:2,2,5 74:8,11,13 79:14,16,21 80:1,8,13,16,24 81:2,17 82:20 83:20 84:9 86:7 87:18 88:10 89:8,24 90:3,16 94:5	ended 85:11 ends 70:17 93:19 entered 48:11 entire 38:8 63:20 67:11 entitle 92:10 entitled 75:15 entries 8:12 entry 8:13 17:7 17:9,13 45:22 environment 43:4 epis 10:4,16 equal 72:22 82:19 83:4,9 equals 71:12,17 errors 12:15 essentially 19:11 established 39:12 et 5:5 everybody 61:9 67:16 exact 9:8 11:4 12:11 46:1 exactly 31:17 72:22 74:9 77:24 examination 3:4 6:5 examined 6:3 97:10
e			
e 3:9,14,17,20 3:23 4:4 10:14 26:5,6,24 27:7 36:7,8,9 37:9 39:15 46:24 47:5,7 50:11 50:12 52:4,19	53:10 63:20 65:17 67:9,10 68:18 69:17 70:1 71:19,19 74:24 75:21 79:24 80:5,22 81:14 83:24 84:19 85:7,11	74:8,11,13 79:14,16,21 80:1,8,13,16,24 81:2,17 82:20 83:20 84:9 86:7 87:18 88:10 89:8,24 90:3,16 94:5	

[example - forest]

Page 9

example 49:5 54:3 87:8	extent 48:2 extra 53:2,13 75:9 87:3 90:8 90:9	39:7,14 41:8 41:15 42:19 43:16,22 44:7 45:3,10 46:8	93:22,24 95:9 96:3,6
examples 44:13			figure 30:6 43:17 69:11,22
excel 3:12 34:2			
exception 32:12	f	48:4,9,22 49:4 49:8,19 50:11 51:7,9,17 53:8 53:23 54:10,18 54:23 56:1,4 56:18 57:9	filed 5:6 files 10:19
excess 29:17,18 30:3 74:14,16 75:24 84:23 94:15	fair 20:5,9,18 59:21 63:5 80:24 fairly 80:8 familiar 15:21 44:15 76:23,24 77:7	58:14,24 59:7 59:19 60:2,19 61:1,10,16,24 62:13 63:16,22	final 17:20 find 45:10 68:14
excessive 75:24	faq 71:10	64:13,18 65:15 65:23 66:5,11	fine 36:5
exclusive 86:11 94:15	federal 1:14	66:16,21 67:2 67:17,23 68:23	first 6:2 7:4 8:2 25:19 26:5 46:24 50:12
excuse 10:8 13:13 64:3 92:1	feed 14:24 38:15 feeding 47:23	69:5,10,15,21 70:6,14 71:23	52:23 73:21
exhibit 3:8,11 3:13,16,19,22 4:3,6 25:9,9,12 33:18,19,22 35:17,17,20 46:16,19 50:13 51:19,20,23 55:15,17,20 70:15,17,20 72:24 73:8,11	feeds 38:19 feel 30:23 62:11 fellow 16:18 90:7 felt 78:13 ferri 2:4 3:5 5:14,14 6:6,7 8:1 10:5,20 12:4 13:15,18 13:20 15:19	72:5,17,23 73:7,17 74:10 74:22 75:8,20 76:6,12,17 77:15 78:1,23	77:1 86:15 87:14 88:9 90:15 97:9
exhibits 3:6 4:1		79:4,14,21 80:7,15,21	five 21:9 74:5,6
expect 80:8		81:4,8,16,22	fixed 13:17
explain 7:21 8:11 22:14,15 64:1		83:18 84:3,17	flat 10:19
explains 91:23		85:6,23 87:11	flight 19:12
expound 12:9		87:23 88:8,21	floor 2:5
		89:2,4,12,18	fly 19:12,12
		90:1,13 91:3	follow 27:3 60:18 96:5
		92:14,17,23	followed 6:4
			following 2:2 51:11 58:3
			foregoing 97:3 97:13
			forementioned 97:15
			forest 6:12

[form - going]

Page 10

form 7:22 10:3 12:1 15:18 22:8 29:22 32:19 33:11 38:17 39:3 42:18 43:14,19 44:1 45:1,6 49:7,15 51:3 56:17 59:5,15 60:1,16,23 61:6,11 63:18 65:13,20 66:2 66:7,13,24 67:14,21 69:1 69:7,12 75:18 76:2,8 77:11 79:18 80:11 81:12 83:12,22 84:15 85:2,18 87:6,20 88:2 88:18 89:1,6 89:16 90:10 91:2 fortin 2:10 5:16 5:16 7:22 10:3 10:17 12:1 13:16 15:18 22:8 25:2,5,20 26:2 28:15 29:21 31:6,19 32:16,19 33:11 36:2 37:11,18 38:17 39:3,11 41:5,7 42:15	42:17 43:14,19 44:1,3 45:1,6 46:6 48:1,6,19 49:1,7,15 50:7 51:3 53:7,19 54:6,14,21 55:24 56:2,17 57:7 58:13,20 59:5,15 60:1 60:16,23 61:6 61:11,23 62:10 63:14,18 64:9 64:12,15 65:13 65:20 66:2,7 66:13,17,23 67:14,21 68:19 69:1,7,12,18 70:2,12 71:22 72:4,12,19 73:1,14 74:4 74:17 75:5,17 76:2,8,15 77:11,22 78:20 79:2,11,18 80:3,10,18 81:1,7,12,20 83:12,22 84:15 85:2,18 87:6 87:20 88:2,18 89:1,3,6,16,22 90:10 91:2 92:11,16,19,22 93:20,23 95:8 96:4,12	found 44:23 57:20 foundation 37:11 39:12 53:19 54:14 64:15 67:14 72:13,20 85:3 85:19 four 21:9 24:10 45:23 74:6 fourth 17:14,16 franklin 98:7 frequency 50:22 63:19 frequent 66:19 frequently 63:12 65:24 67:3 friday 67:11 full 6:9 19:22 20:1,10,20 32:12 68:13,15 71:18,19 72:2 73:22 74:10 82:20 83:20 84:17,18 86:7 88:9 90:3,16 further 96:3 g	58:24 61:2 62:21 70:1,10 72:18 81:10 geographically 78:7,10 georgia 1:1 2:12 5:7 23:14 23:15,17 24:7 24:12,13 78:8 getting 49:4 73:14 81:3,10 give 20:6 21:23 43:2 46:1,2 62:8 63:2,15 64:9 65:24 93:21 given 20:19 40:2,9 50:4,8 68:12 72:9 go 10:2,4 12:15 26:4 32:11 34:8,18 56:3 64:12 78:22 80:1 82:3 85:23 86:24 88:10 90:1 92:14,22 93:18 94:8 goes 57:20 75:20 going 5:1 22:12 24:22 25:5,20 33:18,19 35:16 39:11 41:10
--	--	---	---

[going - hr]

Page 11

45:19 46:16 49:12,12 51:5 51:19 55:12,14 55:16,17 57:17 62:10 65:15 67:21 68:19 70:14 73:2 77:11,22 78:1 88:8 96:7,14 good 5:1,14,16 6:7,8 25:24,24 36:3 51:18 92:22 96:10 goodyear 1:4 5:5 71:1,6 72:8 gotten 29:19 57:14 govern 42:8 granted 32:12 gray 3:17,20,23 47:1 56:8 79:7 79:8,9 great 37:12 ground 15:21 16:1 19:4,10 19:11,16,21 20:10,20 21:1 21:16,24 22:3 23:13 61:1 62:21 67:9,10 68:13 69:16,24 71:19 79:15 80:7,23 81:17	group 6:21,23 14:1,4,7,8,12 14:14 15:4,5,6 16:3,10,21 17:5 18:10 26:11,13 28:23 29:1,5 37:19 47:11,13 49:24 50:1,3 54:7,19 77:20 groups 15:10 15:11 18:16,18 45:21,24 49:4 58:9,17 59:11 guaranteed 72:15 guess 7:9 10:21 18:2 19:18 20:22 29:12 30:6 38:20 41:5 66:21 69:21 83:8 91:6 guidance 44:11	handles 17:6,7 50:23 hang 55:24 happy 43:20 71:11 hard 12:12 head 46:14 48:21 header 94:10 headquarters 24:11 hear 40:4,23 heard 40:24 67:19,22 68:2 heavy 63:8,11 63:16 help 14:21 43:20,21 57:15 hereinabove 97:16 hereto 97:21 higgins 4:5 hills 2:4 historically 58:15 history 18:10 hol 35:10 hold 7:6 13:23 holiday 35:11 95:1 holidays 57:21 home 6:17 hour 36:2 74:6 84:12	hourly 71:11 71:13 hours 4:7 8:15 8:24 11:19 21:8,9,13 27:19 28:5,5 28:12,14,22 29:3,6,6,8,10 29:14,16,17,19 30:8,13,15,18 30:19,21,22 35:11,13,15 37:22 44:15,24 45:5,15 54:9 59:23 60:10,14 63:24 64:4,5 71:12,16,17,18 72:6,7,16,18,22 73:17,23 74:8 74:14,15,16,20 74:20 75:22,24 76:1,3 79:16 82:19,23 83:4 83:10 84:5,7 84:10,13,18,22 84:23 85:8,12 85:12,16,17 87:2,9 93:16 94:15 hr 9:16 13:22 14:3,7,8,10 18:17,20,22 26:10,18 37:4 38:8 42:10
	h half 64:2 hall 71:9 hampton 3:20 52:4,19 hand 81:24 86:1 92:16 handle 17:20		

[hr - keep]

Page 12

77:4 78:4,9 hub 23:21 huge 23:18,20 24:18 human 7:16,18 13:6 18:20 26:14 59:16 hundred 68:8 hypothetical 55:6 70:2,4 74:18 76:10 78:20 91:2 hypothetically 84:20,21	illinois 2:6 97:1 98:2,8 implemented 27:13 important 14:18 80:23 include 56:10 81:5 included 59:23 includes 73:22 including 36:10 52:5,9 incorrectly 55:2,3,5,10 individual 32:5 89:24 individually 1:4 32:2 individuals 36:17 40:7 industry 72:6 information 8:8,13 18:11 34:15 38:5 39:4 49:12,17 50:2 78:22 informed 79:14 79:16 80:16 informs 91:21 infrequent 66:12,20,22 infrequently 66:6 67:4	inhouse 5:18 input 8:24 38:5 57:17 inputs 11:18 12:3,5,11 18:6 inputted 8:8 instance 67:23 instances 43:10 44:21 45:10 68:2,3 76:12 89:13,20 interested 97:22 internet 12:23 interpose 62:10 interrogatories 6:3 97:10 interruption 26:2 introduce 24:22 33:18,19 45:19 46:16 51:19 55:15,16 55:17 70:14 introduced 25:8 73:7 introducing 35:17 involve 52:17 involved 17:19 39:13 89:9,11 89:24 irregular 21:3 21:11,12,15,17	21:19 22:4,7 22:20 24:5 29:23 72:8,14 72:17,21 74:3 74:8 82:7,16 82:18,23 83:9 84:1,11,19 85:7 86:8 87:18 88:10 90:3,17 irregularly 22:23 23:5,6 72:1 83:20 84:9 issue 69:5,9 78:24 issues 13:14 17:8,9,13,19 26:20 27:12 57:18
i			j
idea 19:17 20:2 20:4,17 23:15 23:18,22 27:6 31:13 34:4 36:15 46:7 54:4,22 61:18 61:20 63:2,11 65:22 66:4 68:21 69:15,19 70:13 76:19,22 79:20 identification 25:12 33:22 35:20 46:19 51:23 55:20 70:20 73:11 identify 5:12 46:2 62:18			j 1:13 97:4 98:5 january 7:3 71:1 john 3:14 36:9 36:16 46:12 joined 27:2 joki 3:23 56:8 july 47:3
			k
			k 97:2 keep 37:22

[kevin - mail]

Page 13

kevin 2:19 5:9	89:12,14,14,19	liability 14:16	69:24 70:1,22
kin 97:23	93:24	14:19,20 17:19	70:24 80:2
kind 15:15 18:7	knowing 55:7	32:4 94:24	81:22
24:19	74:19	license 98:6	looked 32:4
knew 19:5	knowledge	life 6:20	looking 34:4
knott 2:18 5:18	43:16 76:20	likely 10:7	36:8 38:1 41:1
know 8:10 9:8	known 77:3	line 71:16	44:13 50:12
10:21 11:4	knows 81:15	lines 1:8 2:18	51:18 52:1
12:11 16:8	krista 27:2	5:6,18,19	55:11 57:7
18:9 20:3 24:1	I	list 57:11	86:3 87:1
24:6 25:13,19	lack 39:11	little 7:21 8:11	90:15
26:23 31:7,17	53:19 72:19	12:9 22:12	loop 6:12
31:20 32:17,20	85:3	34:3 60:6	lost 55:24
32:23 33:23	lacks 37:11	65:11 84:1,4	lot 17:21 18:8
34:9,10,15	54:14 64:15	94:12	23:21,23 24:20
35:1,21 37:16	67:14 72:12	lived 6:19	lots 57:16
37:16 40:22,24	85:19	llp 2:3,10	lukas 1:4 5:5
45:16,17 46:3	larger 25:22	load 36:18	71:1,6,9
46:8,8,15	late 10:8	37:14 38:1	lump 36:19
48:13 49:21,24	law 62:13	loaded 38:3	37:15
49:24 50:4,16	leader 78:15	39:4 88:6	m
52:12,14,16	leaders 12:22	loading 38:12	made 44:23
53:21 54:16	18:3,9,12 19:1	located 16:3,6	58:10,12 97:15
55:11,21 56:21	26:20 42:21,22	42:10	97:19
56:22 59:8	leadership	location's 18:6	madeline 2:4
66:19 68:12,15	46:10,11 80:4	logic 89:14	mail 3:9,14,17
69:3,14 70:9	legal 5:9,10	long 3:9,18	3:20,23 4:4
70:10,21 71:6	62:12 77:12	6:19 7:6 9:4,15	26:6,24 27:7
72:15 73:15	78:4,6 96:17	10:6 11:3 26:6	36:7,8,9 37:9
76:17 77:7,24	letters 86:4	26:9,24 47:1	39:15 46:24
78:9 79:4,8,12	levitt 2:3	look 14:15	47:5,7 50:11
80:1 81:5,10	lg 3:8,11,13,16	29:24 43:23	50:12 52:4,19
81:23 82:2	3:19,22 4:3,6	46:20,22 55:14	56:5,7,10,20
87:23 88:6		55:21 57:3	

[mail - mytime]

Page 14

57:8 70:24 71:1,4 mails 26:5 maintaining 77:16 maintenance 46:3 majority 23:10 make 12:16 21:5 25:22 53:9 56:6 65:3 71:23 72:5 78:4 82:22 83:5 making 40:7,19 44:9,11,22 59:16 79:1 management 18:19 manager 16:15 26:14,18 78:18 79:5 managerial 16:18 managers 16:18 18:14 manages 16:20 manpower 8:4 manual 7:23 8:13 10:19 43:12,12 44:9 44:22 45:22 58:6,9,16 59:11,16 65:1	manually 37:1 37:19,21 38:2 38:21 39:8 40:2 41:18 42:4,12 46:5 58:23 manuals 10:18 march 1:18 3:2 5:2 98:3 marked 25:11 33:19,21 35:19 46:16,18 51:22 55:17,19 70:19 73:7,10 master 96:16 matched 60:21 matter 5:5 mean 8:10 10:23 12:5 14:18 17:9 23:16,18,20 26:16 27:14 32:8,9 49:9 50:16 55:3 58:1 63:16 65:9 67:7 68:15 69:9 72:2 74:22 75:8,9 81:8 83:3 86:13 87:12,13,22 93:11 94:23 means 27:7 35:14 37:17	63:12 87:13 92:3 93:13,15 94:24 media 96:16 meet 28:6 meetings 71:10 mentioned 8:18 63:7 mentions 47:7 message 57:3,8 57:9 messages 56:11 56:16,19,21 met 75:1 metadata 3:9 3:14,17,20,23 4:4,7 mhills 2:7 mind 51:9 96:4 96:6 minfang 3:9,17 26:6,9 47:1 minute 25:18 65:16 72:23 miranda 4:4 missed 17:14 misstates 28:15 29:21 44:1 58:13 60:1 75:17 76:2,8 84:15 95:8 misstating 28:17	moment 51:5 56:4 monday 67:11 monitor 14:21 month 22:16 64:3 monthly 22:10 22:16,19,24 23:9 50:18,20 50:22 51:1,13 63:19 64:2,14 64:18,21 65:7 morning 5:1,14 5:16 6:7,8 mouth 33:2 move 35:16 movement 16:23 17:1,12 17:18 moving 41:8 mps 8:2,3,19 9:11,24 10:15 10:20 11:3,17 11:20 12:6,14 12:20,22,24 13:3 14:23,24 37:7 38:12 88:4 multiple 15:10 15:10 18:18 32:1 68:2,3 mytime 9:14,24 10:15,20 11:10 11:14,17,20
--	--	---	---

[mytime - okay]

Page 15

12:6,19,21,22 13:3 14:23,24 36:23 37:6 38:9,12 40:13 47:14 50:19,21 50:23 52:10 53:17,18 54:13 54:20 88:4	new 37:13 nm 34:13 non 15:21 16:1 19:4,10,16,21 20:10,21 21:1 21:16 22:1,4 23:13 61:2 62:22 67:9,10 68:13 69:16,24 71:19 79:15 80:7,24 81:17 normal 32:9,10 78:21 north 2:5 6:12 6:14,19,22 98:7 northern 1:1 5:7 nos 93:21 notary 1:14 97:5,12 98:2,6 noticing 5:13 november 36:12 number 19:17 21:12,21 34:12 52:5 55:6 81:23 82:10 83:15 numbering 24:24 numbers 21:23 46:1,4	o o 97:2,2 o'clock 96:11 96:15 oath 5:22 object 10:3,17 12:1 15:18 22:8 29:21 32:19 38:17 39:3,11 43:14 43:19 44:1 45:1,6 49:15 51:3 59:5,15 60:1,16 61:6 61:11 63:18 64:10 65:13,20 66:2,7,13,24 67:14,21 68:19 69:1,7,12 75:17 76:2,8 77:11 80:11 83:12,22 84:15 85:2,18 87:6 87:20 88:2,18 89:1,6,16 90:10 91:2 objection 7:22 28:15 29:21 31:6 32:16 33:11 37:11,18 42:17 46:6 48:1,6,19 49:1 49:7 50:7 53:7	53:19 54:6,14 54:21 56:17 58:13,20 60:23 61:23 62:11 63:14 64:15 66:23 69:18 70:2,12 71:22 72:4,12,19 74:4,17 75:5 75:17 76:15 78:20 79:2,11 79:18 80:3,10 80:18 81:1,7 81:12,20 89:22 92:11 95:8 objective 47:18 47:21,24 48:5 48:10,14,17,24 objectives 48:2 occurrence 66:22 offered 28:7 office 6:16 16:5 24:16,17 official 98:1 offs 95:24 oh 13:15 45:20 55:23 70:16 92:19 okay 7:9 9:20 9:24 10:10,15 11:23 12:4 13:12 14:24 15:6,15 16:17

[okay - pay]

Page 16

17:16 19:21	ot	34:19 36:18	86:4,8,11,18,20	43:11 44:11
22:11,18,22		36:24 37:14	87:5,10 88:1	45:8,11 49:4
23:16 24:11,14		40:1,9 57:18	88:16,22,24	50:20 51:1,2
24:20 25:7		93:3	89:4,13,20	51:13,14 53:3
26:3,9,22,24	outlook	56:20	90:9,18 91:23	53:14,15,16,21
27:16 28:21		56:22	91:24 92:10,13	53:23 54:9,11
32:13,13 33:6	outside	21:14	93:4,11,17	54:17,19 55:2
34:10 35:10,16		36:17	94:1,5,9,13,16	55:13 58:18,22
36:6 38:14	overtime	4:7	94:21 95:3,5	59:12,13,23
39:7 40:6,12		13:1 27:3,7,11	95:16	63:23 64:5
41:2,8 42:2		27:20,22 28:1	own 15:15 40:7	74:16 75:23
44:18 45:19		28:1,8 29:9,13	57:22 58:1	76:11,13 80:8
51:15 52:3,19		29:19 30:7,12	p	80:14 85:16,21
54:2 56:6		30:17,20 31:4	p 10:14	87:10 90:8
57:11 59:7		31:9 32:14,22	p.m. 47:3 73:3	pamela 3:23
62:2,21 70:6		33:3,9 34:21	73:6 96:8,11	56:8
70:23 73:15,16		39:2,8 40:16	96:15	part 20:1 38:9
74:1,13 79:8		40:21 41:17,23	page 3:4,7 4:2	43:4 47:21
82:6 84:22		42:4,8,12,23	21:6 25:19	50:14 75:9
85:11,23 92:21		43:11 44:10	26:5 36:8	88:12 93:7
92:22 93:10		45:14 49:5	73:21 81:22	particular
94:4,18 96:4		50:6 51:2,14	82:3,3,10,12	16:17 27:17
once 24:9 70:21		54:1,11,19	85:24,24 86:2	46:11
operation		55:3 58:6,10	92:14 93:18,18	parties 97:24
23:16,21 28:7		58:17 59:1,1,4	94:9,13 95:22	partner 26:15
operations		59:11,22 60:8	paid 13:1 14:20	party 5:13
24:18		60:14,20 64:13	27:24 28:9	past 30:23
opinion 49:2		64:16,21 65:10	29:9,13,19	42:12 77:9
62:12 77:14		74:16 75:3,15	30:12,17,20	pay 22:6,9,15
78:3		75:19,23 76:4	32:6,14 33:8,9	23:4,5,8 28:1,8
ops 18:19		76:11,13 80:17	33:14 35:9	30:17,17 31:5
oral 6:3 97:10		80:22 81:5,11	39:8 40:1,9,16	31:10 32:1,14
original 90:7		81:19 82:6,16	40:20 42:9	32:14,18 33:3
		84:5 85:17,22		36:19 37:15

[pay - potentially]

Page 17

39:2 49:13	50:20 52:5	personal 14:20 35:9 49:2	plural 8:19 point 9:5 13:12
50:21 53:1	58:5,16 65:24	pertaining 1:16	39:9,22,24
54:1,3,9 55:3	66:20 67:4	philip 4:4	40:7,12,15
57:17 58:17	78:11,11 81:10	phone 98:8	42:2 44:9
59:17 63:19	82:23	pick 33:7,12 87:9 88:14	47:13 66:14
64:3,4,6,7,14	percent 27:13 28:4	picked 54:12 55:8 75:22	policies 27:19 27:21 33:3
64:22 69:16,23	percentage 19:24 63:2	85:15 87:3	41:22 42:3,7
80:17 81:6,19	period 23:4,5 27:20,23 30:7	picking 76:4,6	42:10,20,24
86:21,22,22	30:14,15,16	picks 53:2,13 75:8 88:11	49:11,14 59:18 79:23
87:5 88:16,23	31:3 32:15	90:7	policy 27:24 32:6,15 39:6
89:4	38:7,10 43:6 45:3 53:1 64:3	pilots 15:13,14 15:15,19 52:17	44:13,14,18 57:23 58:4
paycheck 22:17	64:5 86:11,13	place 97:5,16	59:22 60:7,7
22:19 81:3,5	86:15,18,21	plaintiff 5:15 71:6	60:10,18,21 65:14 67:13
paychecks 22:16	87:9,11,12,13	plaintiff's 50:13	91:18,19,21 92:12 93:7
paying 30:1	87:14 88:14	plaintiffs 1:6 2:8 5:5	pop 13:17
32:22 45:17	90:20 91:14	please 5:12,22 6:9 25:13	position 7:4,7 13:23 19:11
89:13,20	92:2,5 95:1	28:20 33:23	possible 54:18 54:24 55:1
payment 42:22	97:20	35:21 36:1	possibly 69:24
64:20	periods 22:6,9	41:10 44:6	posts 75:12
payouts 17:20	22:15 23:8	46:20 52:2	potential 83:15
payroll 8:14,16	32:1 36:19	55:22 56:4	potentially
9:1 11:19 15:1	37:15 64:17	57:4,16 64:1	46:12 55:4
15:3 16:6 38:6	86:22,22,23	70:21 73:2	74:11 78:2
38:15 47:23	87:19,24	82:2,4 92:15	83:1
49:12 78:4,9	permitted	93:18 96:7	
peachtree 2:11	62:22 67:5,12		
penalize 83:24	person 18:5		
people 22:6	32:5 45:13		
28:22 29:2,5	77:19 90:4		
31:3 36:10			
37:21 42:11			
43:11 44:8,21			
45:8,11 48:10			

[power - recognize]

Page 18

power 79:10	proceed 5:24	q	81:11
ppt 35:5,7,9	41:14 73:6	question 11:1	ravi 3:14 36:9
95:1	96:11	20:18 28:19	36:14,17
practice 60:13	process 7:24	29:12 30:10	reach 74:7,9
60:19 83:11,21	12:2,4,10	37:12,13 38:20	read 25:19
pre 32:9,10	79:12	40:5 44:4,6	43:17 51:11
preceding	processes 18:6	46:9 48:3,8	52:23 56:4
86:10 87:11,12	produced 34:2	49:8 51:6,7,10	80:13 87:1
87:16 90:20	programs	52:23 53:9	93:20
91:14 92:2,5	12:17	54:5,12 55:9	reading 25:17
prepare 18:7,9	proposed 5:15	58:14 59:6	26:3 35:24
18:10	provide 20:7	61:9,17 70:4	51:9 91:18
prepared 57:16	provided 9:1	74:21 89:19	ready 96:13
prepares 18:1	43:7,10 86:9	95:17	really 67:6,7
present 2:1,17	90:19 91:13	questions 19:1	69:3,21
97:7	92:1 97:20	52:20 57:16	reason 20:23
pretty 41:9	provides 8:14	96:3,12 97:10	24:2 45:16,18
prevent 61:15	8:15 49:13	97:14	54:23 59:8
previously 97:8	public 1:14	quick 96:4	69:10 75:20
primarily 16:4	97:5,12 98:2,6	quotas 14:21	reasoning
16:6	pulled 34:16		89:12,19
prior 11:7	punches 12:14	r	recall 41:23
53:22 54:13	purpose 27:16	r 2:4,18 3:5	receive 31:4
probably 20:5	purposes 87:24	23:2 74:14	36:19 37:16
20:20 24:10	94:20	r.d. 56:15	39:2 42:23
80:23	pursuant 1:14	raise 78:14,19	44:11 80:17,22
problem 9:22	put 10:22 11:18	78:23 79:9	81:19
17:10 48:9	33:2 47:18	raleigh 7:5	received 31:9
56:1 82:15	57:11 93:4,11	range 70:7,9,11	recently 27:2
procedure 1:15	putting 10:24	rate 71:11,13	recess 41:12
27:24 32:22	23:11	rates 30:12,12	73:4 96:9
procedures		39:9 40:17,21	recognize
27:19,21 33:4		44:10 54:11	73:17
41:22 42:3,7		75:23 80:17,22	

[reconciliation - right]

Page 19

reconciliation	21:22 22:1,6 22:20 23:23	representing	restating 60:3 results 12:3
reconciling	24:3,4 53:3 71:21 74:2,5	request 43:1,2 74:20,23 75:10 76:7 85:16,21 87:4,10 90:8,9 92:8	retained 96:16 rethink 82:22 retire 17:21 review 27:3 42:21 97:17
record 5:2 6:9 41:11,13 73:2 73:5 96:8,11 96:15 97:14	74:13 84:24 94:2,6,14 regularly 23:2 33:13 54:12 57:1 72:1 75:21 94:14	requested 97:18,19	reviewed 32:2 83:6,7
recorded 5:3 36:24	86:8 86:18 90:18	required 86:8 86:18 90:18	right 7:13 8:16 9:18 10:12
recording	rehired 13:11 relate 37:9	requirement 50:10	11:7 13:5,7 15:1,16 19:6
reduce 28:3	remember	requirements	23:6 24:20
reduced 27:13 29:8,18 30:4,8 30:8,18,21 32:8	41:18 61:2 remind 78:17 remote 6:18 remotely 1:13 renee 1:12 3:1 3:9 5:4,19 6:1 6:10 25:5	28:6 50:8 61:15	25:1,8 29:3,7 29:10,20 30:4
reduction	repeat 44:5 rephrase 28:19	reservations	30:14,18 33:4
28:22	58:14 60:2 81:8 89:18	24:19	36:7,16,18
refer 47:10 52:8 56:13 71:15	95:9,10	resource 18:20 26:14	37:4,7 38:16 38:22 39:2,9
referred 77:9 97:16	repeat 44:5 rephrase 28:19 58:14 60:2 81:8 89:18	resources 7:16 7:18 13:6 27:2 respect 42:22 50:6 63:7	40:2,10,13 42:5,13 43:24 47:15 48:11,14 56:2,7 58:12
referring 8:20 39:19 44:18 93:8 95:24	95:9,10	responsibilities	59:1 60:15,22
reflect 83:19	report 16:9	7:17 14:13	62:19 63:5,9
refresh 73:16	reporter 5:11	15:7 16:20	64:6 70:7
regarding 13:2 27:19	5:22 10:13 42:15 51:11 97:20	18:22,24 19:3 responsibility 15:3,12,13,24	73:16 75:24 76:7 81:11,24 82:16 83:21
regardless 64:4	reporting 17:6 17:15,24	responsible 18:5	84:6,19,24 85:1,13 86:1
regular 21:2,6 21:8,14,17,18	reports 18:1,7 18:8,9	restate 60:5	87:5 88:8 90:23 92:16

[right - semi]

Page 20

94:6 95:7,24 96:3,14 role 7:15,23 9:12,16 13:6 13:12,21 16:14 16:18 37:4,9 77:4,4 room 5:18 rotation 83:1 83:15 rotations 21:13 72:21 row 34:10,18 rpr 1:13 97:5 98:5 rules 1:14 49:17 57:22 58:1 59:18 75:3 76:4	85:6,7 87:16 says 27:1 34:19 36:16,22 37:14 39:17 50:12,13 52:20,24 57:13 73:22 82:6,18 83:8 86:7 87:11 90:17 92:12 93:2 94:8,13,18 scenario 88:11 90:2,4,22 91:7 92:6 scenarios 87:1 schedule 21:2,3 21:6,8,11,12,14 21:15,17,18,22 22:1,4 23:24 24:3 27:13 30:1,9 32:8,9 32:10 67:16 71:21 72:3,9 72:14 73:22 74:2,3,14 82:7 84:19,24 85:1 85:5,8 86:8,23 87:17,18 88:10 90:3,17 92:1 94:2,6 scheduled 22:20,23 23:5 23:6 28:14,22 29:3,6,8,19 30:4,8,15,18,19	30:21,22,22 32:3,7 33:14 52:24 53:3,12 54:12 55:7 64:17 72:1,1 72:15,18 73:23 74:5 75:21 82:19 83:4,10 83:20 84:1,1,5 84:7,9,18 85:8 86:9,10,16 87:2,9,15 88:6 88:13 90:5,6 90:14,18,19,22 91:4,13,16 92:1,4,4 93:16 94:14,19 95:6 95:12,14,18,19 schedules 14:16 21:20 22:7 24:5,5 28:4 29:24 55:7 57:14 72:17,21 74:8 82:16,18,23 83:7,9 84:11 88:5 scheduling 52:17 screen 73:14 93:21 scroll 56:3 seal 98:1	search 80:5,6 second 13:16 25:21 27:1 35:2 36:8 55:14 57:3,8,8 57:9 64:9 73:15,15 section 92:23 94:4 see 13:4 25:13 25:15 26:6 27:1,4 28:16 33:23 34:18 35:21,23 36:2 36:7,16,22 37:1 39:14,17 46:24 47:8 50:11,13 51:24 52:4,21 53:4 55:15 56:7,10 57:10,18,23 69:5 71:4,13 73:12,22 81:9 82:6,20 86:4 86:11 90:17 92:23 93:2 94:2,4,8,10,12 94:16,21 seeing 35:6 82:9 85:5 seen 49:19 semi 22:10,16 22:19,24 23:9 50:18,20,22
s	30:1,9 32:8,9 32:10 67:16 71:21 72:3,9 72:14 73:22 74:2,3,14 82:7 84:19,24 85:1 85:5,8 86:8,23 87:17,18 88:10 90:3,17 92:1 94:2,6 scheduled 22:20,23 23:5 23:6 28:14,22 29:3,6,8,19 30:4,8,15,18,19	14:16 21:20 22:7 24:5,5 28:4 29:24 55:7 57:14 72:17,21 74:8 82:16,18,23 83:7,9 84:11 88:5 scheduling 52:17 screen 73:14 93:21 scroll 56:3 seal 98:1	55:15 56:7,10 57:10,18,23 69:5 71:4,13 73:12,22 81:9 82:6,20 86:4 86:11 90:17 92:23 93:2 94:2,4,8,10,12 94:16,21 seeing 35:6 82:9 85:5 seen 49:19 semi 22:10,16 22:19,24 23:9 50:18,20,22

[semi - speculation]

Page 21

51:1,13 63:19 64:2,14,18,21 65:7 send 11:19 38:4 57:11 senior 13:22 18:22 77:4 sense 53:9 72:5 sentence 27:1 83:18 87:1 88:9 90:2,15 91:13 94:13,18 94:23 95:21,22 96:2 sentences 93:2 separate 15:4,5 september 52:5 service 7:8 servicenow 19:1 set 24:14 seth 2:10 5:16 seven 20:15,19 several 16:16 seyfarth 2:10 5:17 seyfarth.com 2:13,14 sfortin 2:13 shapiro 2:11 share 71:11 shared 79:21 shaw 2:10 5:17	sheet 34:3 92:20 shift 4:7 33:8 35:2,4 40:2,9 40:16,20 53:2 53:3,12,14,16 54:11 63:8,12 68:17,18 69:22 69:23 75:1,9 75:22 83:1,2,5 83:16,16 84:8 87:3,5,10 88:11,14,15,16 90:8,9,14,23 91:8 92:7,10 shifts 28:8,9 30:2,3 33:13 52:24 53:13 54:8 55:8 61:4 61:9,10 62:6 62:16,17,23 63:3,20,21 67:5,12,19 68:4 83:6 84:12 89:10 shorthand 97:11 show 25:5 signature 98:1 98:5 significant 11:24 21:21 similarly 1:5	simply 75:22 single 53:1 61:22 sir 15:23 17:17 19:7 34:20,22 34:24 37:2 41:19 49:20 51:8 52:1 57:5 61:17,19,21 63:4 76:19 77:24 79:20 83:14 86:6,12 93:1,6,9 situated 1:5 situation 27:4,7 55:12 93:5,11 sixth 2:5 skill 69:14 slash 94:1 slide 34:8 35:8 sm 50:14,16 solutions 5:10 96:17 somebody 16:9 20:5 22:18 39:1,8 40:1 67:19,23 68:3 68:3 69:22 75:4,8,20 77:15 78:24 88:11 someone's 51:1 51:13	sorry 9:21 13:16 16:24 25:20 26:2 30:10 39:11 42:17 48:7 57:7 59:8 64:11,12 67:1 70:16,18 72:12 82:9,14 84:3 88:18 89:3 93:13,18,22 sort 12:10 19:8 21:5 24:15,15 28:16 37:6,9 39:23 43:17 45:21 63:2 70:9 75:10 77:16 79:10 speaking 58:24 62:21 specific 54:3 55:12 62:9 63:15 77:19 specifically 49:22 speculation 31:6,19 32:16 37:18 45:1 46:6 48:1,19 50:7 53:7,20 54:6,15 61:7 61:12 63:14 65:21 66:3,8 66:14,23 68:20
---	--	--	--

[speculation - systems]

Page 22

69:2,8,12,18	stated 65:14	sure 10:23	swapping 54:8
70:3,12 71:22	states 1:1,15	12:13 16:9	62:3 67:19
72:4,19 74:4	61:16,18 62:2	18:2,20 19:18	68:4 92:2 93:3
74:17 75:5	62:5,7,9,15,17	20:9 21:5	93:10
76:9,15 77:23	91:24	25:18 26:24	swaps 52:24
79:2,11,19	stations 82:8	30:11,16 32:21	53:11,11 64:20
80:3,10,18	status 83:20	36:1 43:7 44:7	65:10 75:19
81:1,7,13,20	stayed 7:12	48:22 49:21	87:4 88:22
83:13,23 85:3	13:9	55:10 62:2	89:2,5,13,21
85:18 87:7,21	stenographer	64:11 69:9,21	92:9,12,23
88:3,19 89:7	97:12	70:6,14 71:23	93:3,15,17
89:17,22 90:11	step 9:15 11:16	73:1 77:9 78:4	95:5,16
92:11	28:18 30:11	81:16 83:5	sworn 5:23 6:3
spell 10:12	stepping 13:5	84:13 87:22	97:9
spend 30:24	59:21	95:11	system 8:4,6,7
spread 24:19	stick 51:15	swap 57:16	8:21,24,24
spreadsheet	stored 42:9	61:4,9,10 62:6	11:18 12:14
3:12 34:16	straight 28:10	62:15,17,22	14:21,22 15:1
38:4 39:5	33:8 35:14,15	63:3,20 65:17	15:4 17:11,22
ss 97:1	45:17	66:1,20 67:4,5	34:16 37:20
standard 72:6	street 2:5,11	67:12,15 68:14	38:3,5,6,6,8,11
standby 41:10	98:7	68:16 74:21,23	38:15,16,18,21
73:2 96:7	strike 14:12	75:9,14 76:4	38:23 39:5
start 7:2 94:12	37:24 39:23	88:12,15,15,16	47:14,19,22
started 25:2	49:8 59:9	89:8,23 90:6	48:11 49:10,14
29:5	subject 39:14	95:12,17,24	49:16 50:5
starting 5:13	47:7	96:1	52:10 56:19
25:1 88:9	subset 15:8	swapped 55:8	58:12,19 59:17
starts 57:10	suite 2:12 98:7	68:17,17 75:22	64:22 65:4,6,8
95:22	sum 36:19	91:7,9,12,15	88:4,4
state 6:9 23:14	37:15	92:6,8 95:4	systems 7:20,24
61:14,22 62:14	supposed 42:8	swappers 63:8	8:1,18,18,19
62:19 97:1	43:17,22	63:12	9:12 11:21
			18:19 37:7

[systems - time]

Page 23

59:14 88:5	technical 24:18	thing 15:16	14:3,4,11,14,21
t	technically 52:15	things 58:22	15:6,9,24 16:3
tack 31:2	technologies 50:2	think 8:10	16:10,15 17:4
take 7:9,10	tell 24:4 25:16	10:11 17:13	17:11 18:6,14
9:15 12:13	28:11,17 55:12	20:23 22:11	18:16 19:22
25:18 28:18	57:13 66:10	24:2 25:2	20:1,1,10,20
30:11 31:2	67:3 77:1,19	39:12 41:8,21	25:3 26:11
36:4 41:4,7	tells 42:11	50:24 51:12	27:11,20,23
46:20 56:4	81:18	54:23 55:1	28:10,18 30:4
72:23 94:24	term 15:21	60:3 63:7 66:9	30:7,12,17,20
95:15 96:4	19:4	66:14 69:11,13	31:10 32:4,12
taken 1:13 3:2	terminate 17:21	70:9 76:13	32:14 33:8,10
5:4 29:17	terminology 75:11	77:21 78:16,23	34:23 35:9,15
41:12 73:4	terminology's 71:24	79:9 80:7 81:9	36:4,18,23
96:9 97:4,11	terms 12:17,21	81:16	37:7,20 38:2,7
takes 8:8,12	49:22	thinking 31:3	38:10,11,21
12:6,14 49:17	testified 6:4	32:17 40:4	39:1,9,22,24
talent 18:19	testimony 28:15 29:21	third 35:4	40:2,7,16,21
talk 10:10	44:1 58:13	70:24 90:1	41:17,20,23
25:21	60:1,4,5 75:17	thirds 82:12	42:4,8,12,23
talked 59:24	76:2,8 84:15	thousand 19:19	43:6,11 44:10
61:1	95:8 96:16	20:10 21:24,24	45:4,17,22
talking 19:5	testing 7:19	22:3 23:13	47:14,19 48:11
30:23 41:16,20	17:21,23	68:10 70:11	49:5,10,18
65:16 86:19,19	thank 5:21,24	three 21:10	53:2 55:16
team 16:19	26:4 33:16	24:10 74:7	58:17 59:12,22
17:11 27:2,4,8	51:15,17 96:12	threshold 30:7	60:8,14,20
36:20 37:16	96:17	64:13 75:1	69:23 71:18,19
41:17 43:5		thresholds 93:3	72:2 73:22
67:11		thurman 6:12	74:10 76:7
teams 43:12		time 1:17 7:20	77:1 80:17,22
56:22,23		8:6,7,9,12,23	81:6,19 82:20
		11:18 12:6,13	83:20 84:17,18

[time - using]

Page 24

86:7,8 88:9 90:3,16,18 94:14,19,20 95:2,6,12,18 97:6,15 timekeeper 12:15 17:10 18:4 timekeepers 18:3 times 24:10 65:17,17 68:12 71:16 72:6 73:18 titled 92:23 today 5:11 today's 43:4 96:15 todd 4:4 together 11:19 57:11 told 78:16 took 8:24 32:1 32:2 73:15 77:3 top 3:9,14,17 4:4 46:14,23 86:3 total 38:18 touch 15:14 tough 93:24,24 towards 93:3 tower 16:22 17:6,6,7,12,16	towers 16:20 17:4 18:12 town 71:9 track 37:22 41:16 tracked 36:17 37:19,22 38:2 38:21 58:23 87:19,22 tracking 27:4,8 27:12,18 28:13 29:23 39:17,20 39:22,24 40:8 40:12,19 41:17 42:4 44:9 45:4 47:8,11,13 52:10,14,18 63:8 train 18:2 training 17:7 17:13,15,24 42:23 43:3,5,8 43:9,10 trains 18:1,3,3 transcript 97:18 transition 48:10 50:14,19 52:9 53:17,18 54:13,20 transitioned 40:13 47:14 50:22	tremendous 54:7 true 23:2 83:10 97:13 try 24:23 31:1 60:17 trying 30:6 44:7 60:5 62:3 69:22 81:9 turned 29:1 twice 65:17 two 21:9 22:9 22:16,17 23:8 33:13 74:6 82:12 89:8,23 twt 1:7 5:8 type 23:5 types 22:9 typist 7:5	81:17 86:13 understanding 19:15 23:12 28:11 31:18 44:8 48:4,13 48:17,23 58:8 58:15 59:10 60:21 62:7 63:13 65:23,24 72:10 understood 54:4 90:24 unfortunately 94:11 united 1:1,15 unreduced 30:19 upgrades 17:22 uploaded 38:21 38:23,24 uploading 38:11,14 usage 12:7 use 9:2,5 10:7 11:3,5,7,10,20 11:22 12:18,19 12:20 23:9 56:23 used 9:4 10:6 19:4 39:1 57:21 66:9 using 7:24 11:13 13:3,3 71:24 75:11
		u	
		u.s. 5:6 under 54:9 63:19 65:1 67:12 undersigned 97:12,22 understand 39:19 44:3 47:10 48:7 52:8 53:6 54:10 62:3 66:5,12,21 67:17,17 77:10	

[vacation - work]

Page 25

v	w	weekly	64:16 65:14,22
vacation 14:20 32:4 95:1	waiting 67:1 wake 6:12 walk 28:17 want 25:22 28:16 30:24 31:1 33:1 41:4	59:1,3 75:1 86:4,8,18 86:20 90:17 91:23,24 93:16 94:9,13 weeks 22:17 71:17 72:6 74:7	66:4,9,19 67:1 67:15,22 68:21 69:3,9,13,19 70:4,13 72:14 72:21 74:5,19 75:6,19 76:3 76:10,16 77:13
vague 59:6			
validate 45:8			
vanmali 3:14 36:9,14			
various 7:20 26:17 75:6,6			
vary 84:11			
veritext 2:19 5:10 96:16			
versus 5:6 58:11,18 64:21 72:1 74:23			
video 5:2,3			
videoconfere... 2:3,9,17			
videographer 2:19 5:1,10,21 5:24 41:10,13 73:2,5 96:7,10 96:14			
videotaped 1:12 3:1			
viewing 25:21			
virtual 5:3			
vp 26:10			
vps 18:20			
vs 1:7			
	wanted 68:12 watch 13:18 watts 1:13 5:11 51:9 97:5 98:5 way 10:4,8,22 10:24 11:2,24 13:1,2 23:10 32:21 33:6 37:23 46:2 53:8 56:18 58:3,16 59:7 79:15,22 80:16 82:12 85:4 87:19 ways 75:6 we've 39:12 73:18 85:20 week 28:13,14 29:18 53:12 71:16	59:13 71:17 72:6 74:7 22:17 68:15 25:24 26:1 61:20 window 13:17 25:6 55:24 witness 5:19,23 6:2 7:23 10:4 10:18 12:2 13:13,19 22:9 25:7,21,24 26:3 29:23 31:7,20 32:17 32:20 33:12 36:6 37:19 38:18 39:4 41:6 43:15,20 44:2,5 45:2,7 46:7 48:3,7,20 49:2,16 50:8 51:4,8,15 53:21 54:7,16 54:22 55:23 56:3 58:21 59:6,16 60:17 60:24 61:8,13 63:15,19 64:11	66:4,9,19 67:1 67:15,22 68:21 69:3,9,13,19 70:4,13 72:14 72:21 74:5,19 75:6,19 76:3 76:10,16 77:13 77:24 78:21 79:3,12,20 80:4,12,19 81:2,14,21 83:14,24 84:16 85:4,20 87:8 87:22 88:4,20 89:8,23 90:12 92:12,18,21 97:4,9,15 98:1 word 38:1 66:9 96:1 words 22:22 33:2 work 4:7 6:14 6:16,16,21,23 6:24 15:10 24:7 27:13,19 28:6,22 30:14 30:15,21 32:3 32:3,8,12 44:15,24 45:5 45:15 59:24 60:10 64:5,17 73:18,22 74:24 75:2,4,13

[work - yep]

Page 26

79:16 85:12 86:10,13,15,16 86:18,22,23 87:9,11,12,13 87:14,15,15,17 87:19,24 88:14 89:10 90:14,20 91:16 92:2,3,5 95:1,2,2,15,20	85:11 86:7 88:10 90:3,16 92:9	86:19 yearly 72:7 84:18,24,24 years 7:8 9:17 10:6 11:4 20:16,19 yep 25:4
workbrain 8:21,22,23 9:2 9:11,24 10:15 10:20	workweek 94:16,20 95:7 95:13,18	
worked 7:19 8:15,21 9:12 29:6,10,14,17 30:8,13 37:23 54:9 63:24 64:4 69:22	worries 64:12 93:23	written 80:19 wrong 33:1
	x	
	x 97:18	
	y	
	yeah 10:10,21 10:24 13:19,20 15:19 25:2,24 41:6,7 44:3,5 46:24 50:1 62:10 67:23 70:6,6 92:19 93:22,23 94:11	year 7:10 11:4 20:20 24:9,10 28:3,12,21 65:17,17,18 68:13 72:18 73:23 82:20 85:8,13 86:17
working 10:18 23:14 28:4,12 29:3 30:15,18 33:16 37:6 73:23 82:19 83:10 84:23		

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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